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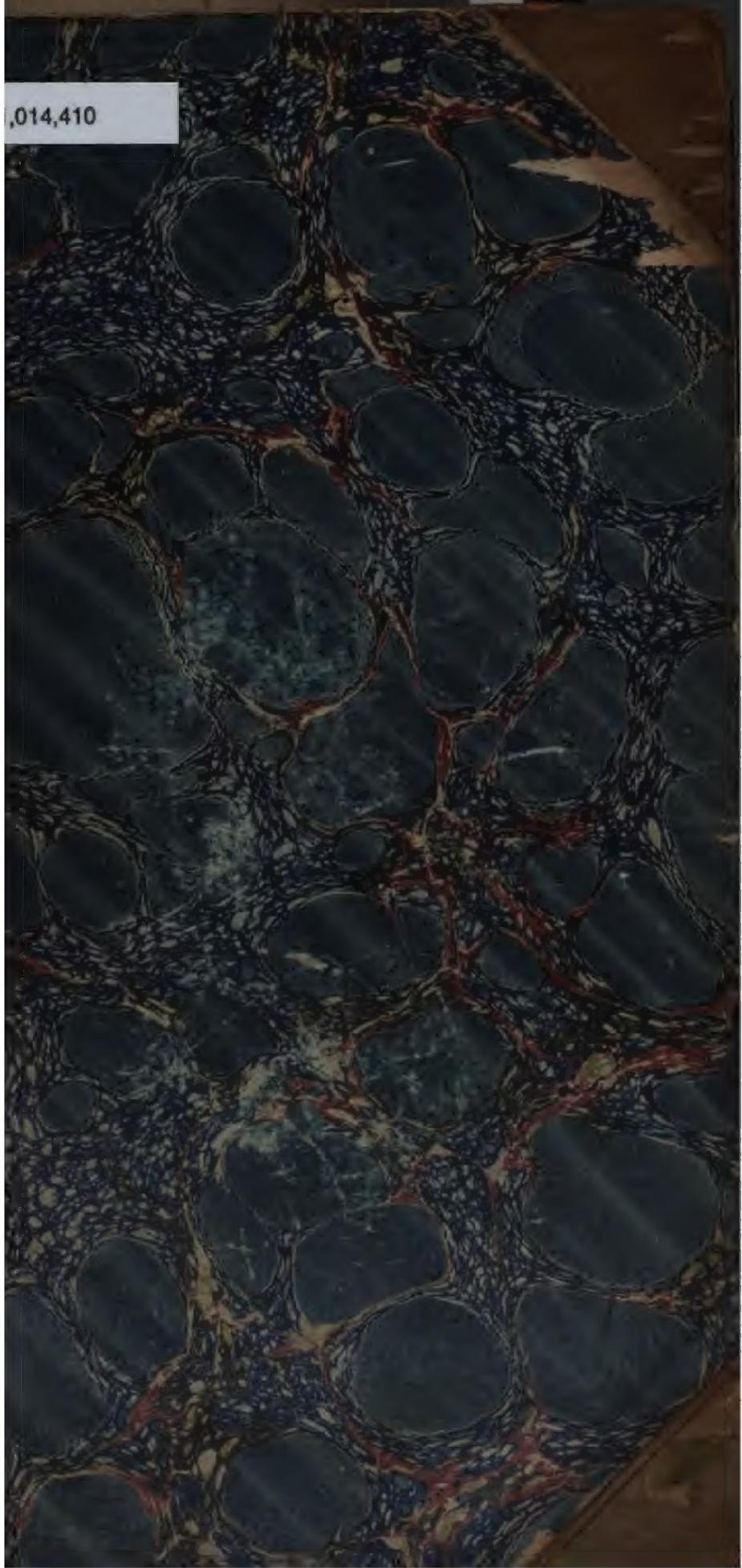
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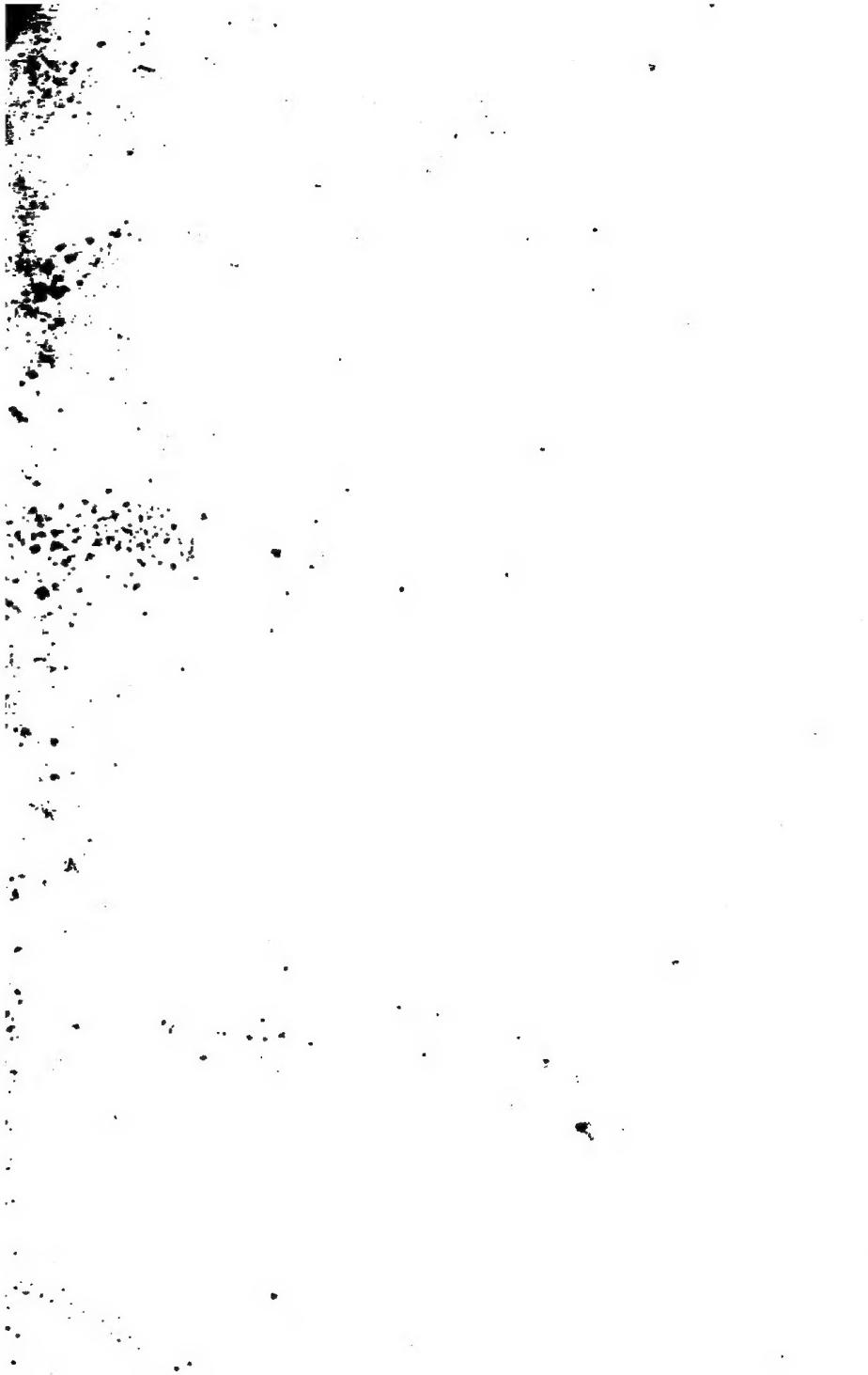
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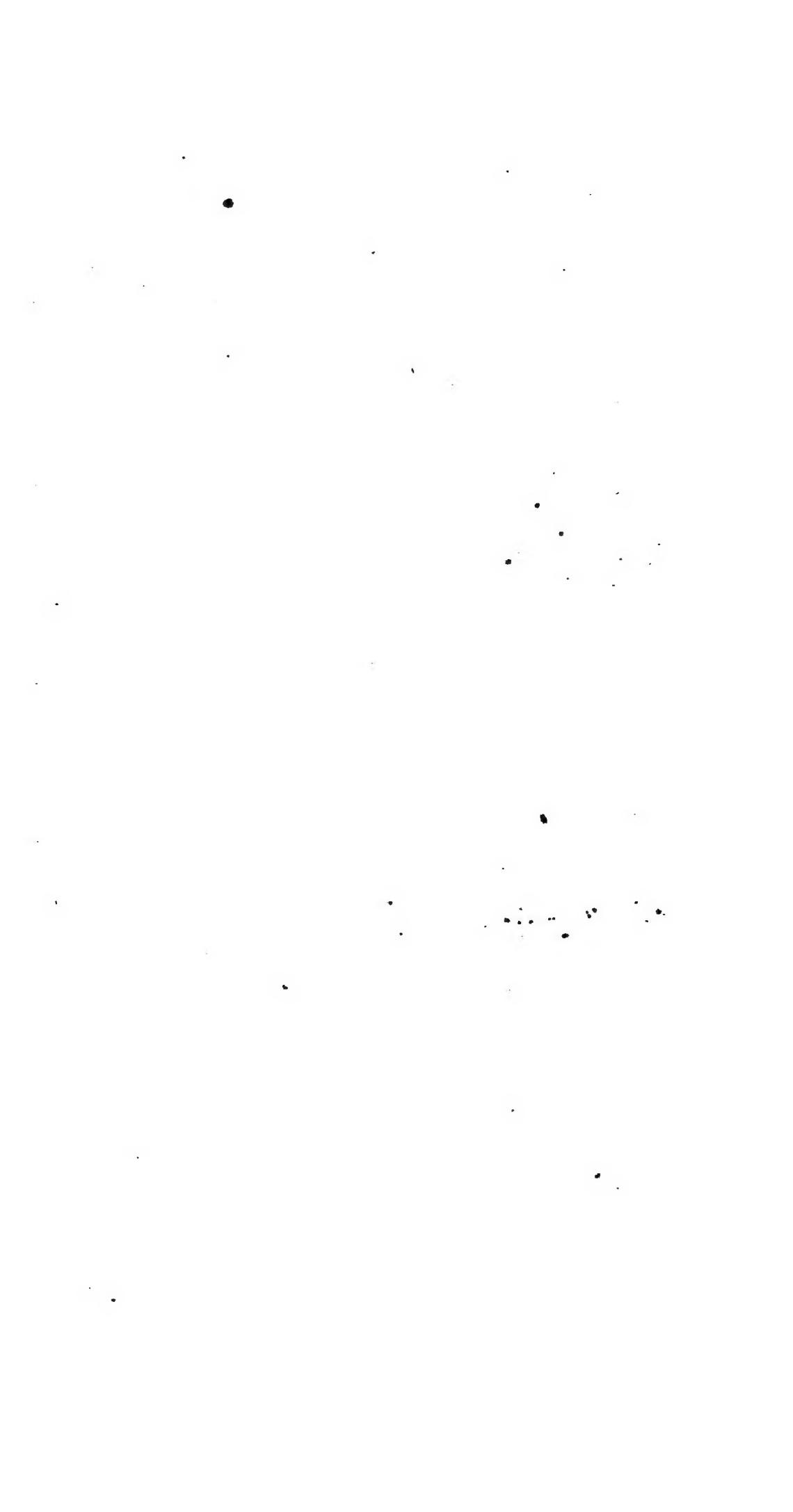
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1883.









HANSARD'S
PARLIAMENTARY DEBATES,
THIRD SERIES:
COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

35° VICTORIÆ, 1872.

VOL. CCIX.
COMPRISING THE PERIOD FROM
THE SIXTH DAY OF FEBRUARY 1872,
TO
THE FOURTEENTH DAY OF MARCH 1872.

First Volume of the Session.

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| <i>Moved</i> , "That this House has seen with regret the course taken by Her Majesty's Government in carrying out the provisions of the Act of last Session relative to the Judicial Committee of the Privy Council, and is of opinion that the elevation of Sir Robert Collier to the Bench of the Court of Common Pleas for the purpose only of giving him a colourable qualification to be a paid Member of the Judicial Committee, and his immediate transfer to the Judicial Committee accordingly, were acts at variance with the spirit and intention of the statute, and of evil example in the exercise of judicial patronage,"—(Mr. Cross) | | | | 658 |
| Amendment proposed, | | | | |
| To leave out all the words after the word "House" to the end of the Question, in order to add the words "finds no just cause for a Parliamentary censure on the conduct of the Government in the recent appointments of Sir Robert Porrett Collier to a Judgeship of the Common Pleas, and to the Judicial Committee of the Privy Council,"—(Sir Roundell Palmer,)—instead thereof | | | | |
| Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Question put:—The House divided: Ayes 241, Noes 268; Majority 27:—Words added:—Main Question, as amended, put, and agreed to. | | | | 677 |
| <i>Resolved</i> , That this House finds no just cause for a Parliamentary censure on the conduct of the Government in the recent appointments of Sir Robert Porrett Collier to a Judgeship of the Common Pleas, and to the Judicial Committee of the Privy Council. | | | | |
| Division List, Ayes and Noes | | | | 758 |
| LAW OF RATING (IRELAND)— | | | | |
| Select Committee appointed, "to inquire into the operation of the Law relating to the area of Rating in Ireland, and to consider whether such Law may be beneficially amended,"—(The Marquess of Hartington.) | | | | |
| List of the Committee | | | | 762 |
| DIPLOMATIC AND CONSULAR SERVICES— | | | | |
| <i>Moved</i> , "That a Select Committee be appointed to inquire into the constitution of the Diplomatic and Consular Services, and their maintenance on the efficient footing required by the political and commercial interests of the Country,"—(Mr. Sclater-Booth.) | | | | |
| Debate arising: <i>Moved</i> , "That the Debate be now adjourned,"—(Colonel French:)—Motion, by leave, withdrawn:—Main Question put, and agreed to. | | | | |
| Select Committee appointed, "to inquire into the constitution of the Diplomatic and Consular Services, and their maintenance on the efficient footing required by the political and commercial interests of the Country." | | | | |
| List of the Committee | | | | 762 |
| Municipal Corporations (Borough Funds) Bill—Ordered (Mr. Leeman, Mr. Munden, Mr. Goldney, Mr. Candlish, Mr. Dodds): presented, and read the first time [Bill 55] | | | | 763 |
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| Metropolis (Kilburn and Harrow) Roads Bill—Ordered (Lord George Hamilton, Viscount Enfield): presented, and read the first time [Bill 57] | | | | 763 |
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| Game and Trespass (No. 2) Bill—Ordered (<i>Sir Henry Selwin-Ibbetson, Sir Smith Child, Colonel Corbett, Mr. Goldney, Sir Graham Montgomery</i>) ; presented, and read the first time [Bill 60] ... | 763 |
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| ARMY RE-ORGANIZATION —Question, <i>Mr. Holms</i> ; Answer, <i>Mr. Cardwell</i> .. | 765 |
| UNIVERSITY TESTS ACT, 1871 —Question, <i>Mr. Osborne Morgan</i> ; Answer, <i>The Attorney General</i> .. | 765 |
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| EMIGRATION—MOTION FOR AN ADDRESS — | |
| <i>Moved</i> , “That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Returns showing the names of the Colonial Land and Emigration Commissioners: The Instructions originally given for their guidance, and any others that may have been given subsequently, and are now in force: The functions actually discharged by the Commissioners: [And other Returns]—(<i>Mr. Macfe</i>) | 773 |
| After debate, Motion amended, and <i>agreed to</i> . | |
| Address for— | |
| “Returns showing the names of the Colonial Land and Emigration Commissioners:” | |
| “The Instructions originally given for their guidance, and the functions actually discharged by the Commissioners:” | |
| “The prices of land in the United States and in the several Colonies:” | |
| “The number of acres sold or otherwise disposed of in each of the Agricultural Colonies and in the United States, according to public official Returns, in each of the latest three years for which there are returns or records at the Colonial Office, together with the price or rent obtained or promised, and the objects to which the monies are applied:” | |
| “And, the title and price of any Books explanatory of the inducement to Emigrate to British Colonies, which have been compiled or are issued by any of the Colonies or the British Government, resembling the volume annually printed and distributed by the Government of the United States, concerning lands in that country,”—(<i>Mr. Knatchbull-Hugessen</i> .) | |
| Occasional Sermons Bill— | |
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| <i>Moved</i> , That the Chairman be directed to move the House, that leave be given to bring in a Bill to enable Incumbent Ministers, with the permission of the Bishop of the Diocese, to provide for the delivery of Occasional Sermons or Lectures in their Churches or Chapels by persons not in Holy Orders of the Church of England,—(<i>Mr. Couper-Temple</i> .) | |
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| After short debate, Question put, “That the words proposed to be left out stand part of the Question:”—The House divided; Ayes 73, Noes 52; Majority 21. | |
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| 1. <i>Resolved</i> , That any oath or affirmation taken or made by any Witness before the House, or a Committee of the whole House, be administered by the Clerk at the Table. | |
| 2. <i>Resolved</i> , That any oath or affirmation taken or made by any Witness before a Select Committee may be administered by the Chairman, or by the Clerk attending such Committee.—(Mr. Dodson.) | |
| Ordered, That the said Orders be Standing Orders of this House. | |
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| To leave out from the word “That” to the end of the Question, in order to add the words “a Select Committee be appointed to consider the Game Laws of the United Kingdom, with a view to their amendment,”—(Mr. Carnegie,)—instead thereof .. | 828 |
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| Marriage with a Deceased Wife's Sister Bill [Bill 14]— | |
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| Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day six months,”—(Mr. John Talbot.) | |
| After debate, Question put, “That the word ‘now’ stand part of the Question:”—The House divided; Ayes 186, Noes 138; Majority 48. | |
| Main Question put, and agreed to:—Bill read a second time, and committed for To-morrow. | |

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| THANKSGIVING IN THE METROPOLITAN CATHEDRAL— | |
| <i>Second Report from the Select Committee (with the proceedings of the Committee), made, and to be printed.</i> | |
| <i>The Lord Chamberlain acquainted the House, That Her Majesty has been graciously pleased to approve of the Lord Chancellor preceding Her Majesty in the Royal Procession to St. Paul's Cathedral on the occasion of the Thanksgiving Ceremony on the 27th instant.</i> | |
| <i>Resolved, That this House having been informed by the Lord Chamberlain that Her Majesty has been graciously pleased to approve of the Lord Chancellor preceding Her Majesty in the Royal Procession to St. Paul's Cathedral on the occasion of the Thanksgiving Ceremony on the 27th instant, do authorize the Lord Chancellor, as representing this House, to attend Her Majesty accordingly,—(The Marquess of Ripon.)</i> | |
| <i>Ordered, That a copy of this resolution be sent to the Lord Chamberlain.</i> | |
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| (In the Committee.) | |
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| After debate, Committee report Progress; to sit again <i>To-morrow</i> . | |
| Royal Parks and Gardens Bill [Bill 17]— | |
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| After some time spent therein, Committee report Progress; to sit again <i>To-morrow</i> . | |
| RAILWAY COMPANIES AMALGAMATION—MOTION FOR A SELECT COMMITTEE— | |
| Moved, That a Select Committee be appointed, "to join with a Committee of the Lords to inquire into the subject of the Amalgamation of Railway Companies, with special reference to the Bills for that purpose now before Parliament, and to consider whether any and what Regulations should be imposed by Parliament in the event of such Amalgamations being sanctioned."—(Mr. Chichester Fortescue.) | |
| After short debate, Motion agreed to. | |
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| Master and Servant (Wages) Bill—Ordered (Mr. Winterbotham, Mr. Secretary Bruce): presented, and read the first time [Bill 65] | 945 |
| THANKSGIVING IN THE METROPOLITAN CATHEDRAL— | |
| Mr. Secretary Bruce informed the House, that Her Majesty has been graciously pleased to signify Her desire that Mr. Speaker should join in Her Majesty's Procession to St. Paul's Cathedral on the 27th instant. | |
| Resolved, That this House doth agree to Mr. Speaker's attendance in Her Majesty's Procession to St. Paul's on the 27th instant. | |
| LORDS, FRIDAY, FEBRUARY 23. | |
| RAILWAY COMPANIES AMALGAMATION— | |
| Message from the Commons that they have appointed a Committee, to consist of six members, to join with a Committee of their Lordships, and to request that their Lordships will be pleased to appoint an equal number of Lords to be joined with the Members of that House: | |
| Ordered, That the said Message be taken into consideration on <i>Monday</i> next | 945 |
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| THE EX-NAWAB OF TONK—MOTION FOR AN ADDRESS — Amendment proposed, | |
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| After some time spent therein, Committee report Progress; to sit again upon <i>Monday</i> next. | |
| RAILWAY COMPANIES AMALGAMATION — <i>Ordered</i> , That a Message be sent to The Lords to acquaint their Lordships, that this House hath appointed a Committee, which is to consist of Six Members, to join with a Committee of The Lords, and to request that their Lordships will be pleased to appoint an equal number of Lords to be joined with the Members of this House | 1017 |
| Building Societies Bill — <i>Ordered</i> (<i>Mr. Gourley, Sir Roundell Palmer, Mr. Torrens, Mr. William Henry Smith, Mr. Dodds</i>) ; presented, and read the first time [Bill 66] .. | 1017 |
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| <i>Moved</i> , That a Select Committee be appointed to join with the Select Committee appointed by the House of Commons, as mentioned in the said message, to inquire into the subject of the Amalgamation of Railway Companies, with special reference to the Bills for that purpose now before Parliament; and to consider whether any and what regulations should be imposed by Parliament in the event of such Amalgamations being sanctioned,— (<i>The Earl Cowper</i> .) | |
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| Amendment proposed, | |
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| Question proposed, “That the words proposed to be left out stand part of the Question :”—After debate, Amendment and Motion, by leave, withdrawn. | |
| Moved, “That whenever notice has been given that Estimates will be moved in Committee of Supply, and the Committee stands as the first Order of the Day upon any day except Thursday and Friday, on which Government Orders have precedence, the Speaker shall, when the Order for the Committee has been read, forthwith leave the Chair without putting any Question, and the House shall thereupon resolve itself into such Committee, unless on first going into Committee on the Army, Navy, or Civil Service Estimates respectively, an Amendment be moved relating to the division of Estimates proposed to be considered on that day.”—(<i>Mr. Chancellor of the Exchequer</i>) | 1058 |
| Amendment proposed, | |
| To leave out from the word “That” to the end of the Question, in order to add the words “a Select Committee be appointed to consider the best means of facilitating the despatch of Public Business in this House, and that the Reports of previous Committees on this subject be referred to it,”—(<i>Sir Henry Selwin-Ibbetson</i>)—instead thereof | |
| Question proposed, “That the words proposed to be left out stand part of the Question :”—After long debate, <i>Moved</i>, “That the Debate be now adjourned,”—(<i>Lord Echo</i>)—After further short debate, Question put, and negatived. | |
| Question again proposed, “That the words proposed to be left out stand part of the Question :”—Amendment, by leave, withdrawn. | |
| Amendment proposed, | |
| To leave out from the word “That” to the end of the Question, in order to add the words “a Select Committee be appointed to consider the Public Business of this House, and that the Reports and Evidence of the last three Committees on this subject be referred to it,”—(<i>Sir Henry Selwin-Ibbetson</i>)—instead thereof | 1098 |
| Question put, “That the words proposed to be left out stand part of the Question :”—The House divided ; Ayes 152, Noes 120 ; Majority 32. | |
| Main Question put :—The House divided ; Ayes 132, Noes 92 ; Majority 40. | |
| Resolved, That whenever notice has been given that Estimates will be moved in Committee of Supply, and the Committee stands as the first Order of the Day upon any day except Thursday and Friday, on which Government Orders have precedence, the Speaker shall, when the Order for the Committee has been read, forthwith leave the Chair without putting any Question, and the House shall thereupon resolve itself into such Committee, unless on first going into Committee on the Army, Navy, or Civil Service Estimates respectively, an Amendment be moved relating to the division of Estimates proposed to be considered on that day. | |
| Moved, “That when the House, after a morning Sitting, resumes its Sitting at Nine o’clock, and it appears on Notice being taken, that 40 Members are not present, the House shall suspend Debate and Proceedings until a quarter past Nine o’clock ; and Mr. Speaker shall then count the House, and if 40 Members are not then present, the House shall stand adjourned,”—(<i>Mr. Chancellor of the Exchequer</i>.) | |
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| <i>Ordered</i> , That the Select Committee appointed by this House to join with a Committee of The Lords, do meet The Lords Committee in Room E, at Three of the clock upon Friday next. | | |
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| Question put, “That the words proposed to be left out stand part of the Question :”—The House <i>divided</i> ; Ayes 238, Noes 6; Majority 232:—Main Question put, and <i>agreed to</i> :—Bill read a second time, and committed for <i>Thursday</i> 11th April. | |
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| Pacific Islanders Protection Bill [Bill 45]— | |
| Order for Second Reading read | 1615 |
| After short debate, Bill read a second time, and committed for <i>Thursday</i> 21st March. | |
| LANDED PROPRIETORS (IRELAND)—MOTION FOR A RETURN— | |
| <i>Moved</i> , “That there be laid before this House, a Return of the number of Landed Proprietors in each county, classed according to residence, showing the extent and value of the property held by each class:—Resident on or near the property; Resident usually elsewhere in Ireland, and occasionally on the property; Resident elsewhere in Ireland; Resident usually out of Ireland, but occasionally on the property; Rarely or never resident in Ireland; Public or Charitable Institutions or Public Companies; Total of preceding; Proprietors of Properties under one hundred acres unclassified; Grand total: And, similar Return of the number of Landed Proprietors in each province:—Classification of Proprietors,”—(<i>Mr. Patrick Smyth</i>) | 1616 |
| After short debate, Amendment proposed, after the first word “Return,” to insert the words “for the year 1870,”—(<i>The Marquess of Hartington</i> .) | |
| After further short debate, Question, “That those words be there inserted,” put, and <i>agreed to</i> . | |
| Main Question, as amended, put, and <i>agreed to</i> . | |
| THAMES EMBANKMENT—ACQUISITION OF LAND—OBSERVATIONS, THE CHAN- | |
| CELLOR OF THE EXCHEQUER:—SHORT DEBATE THEREON | 1619 |
| <i>Moved</i> , “That this House do now adjourn,”—(<i>Mr. Vernon Harcourt</i> :)—Motion, by leave, <i>withdrawn</i> | |
| TRAMWAYS (METROPOLIS)—MOTION FOR A SELECT COMMITTEE— | |
| Select Committee of Five Members appointed, “to join with a Committee of The Lords to inquire into the question of Metropolitan Tramways proposed to be sanctioned by Bills in the present Session, and to report: 1. Whether it is desirable or not that any fresh Tramways should be laid within the metropolitan area; 2. What should be the limits of the metropolitan area in respect of Tramways; 3. Under what authority the construction and working of Metropolitan Tramways, if any, should be placed; 4. Along what lines of streets, if any, Tramways should be allowed to be constructed, and under what restrictions,”—(<i>Mr. Arthur Peel</i> .) | |
| <i>Ordered</i> , That a Message be sent to The Lords, to acquaint their Lordships that this House hath appointed a Committee of Five Members to join with a Committee of The Lords; and to request that their Lordships will be pleased to appoint an equal number of Lords to be joined with the Members of this House | 1620 |
| And, on March 15, Committee nominated:—List of the Committee | 1621 |
| TRAMWAYS PROVISIONAL ORDERS CONFIRMATION BILL—ORDERED (MR. ARTHUR PEEL, MR. CHICHESTER FORTESCUE); PRESENTED, AND READ THE FIRST TIME [BILL 81] | 1621 |
| STEAM BOILER EXPLOSIONS BILL—ORDERED (MR. HICK, MR. STAVELEY HILL, MR. CAWLEY, SIR THOMAS BASLEY, MR. MILLER); PRESENTED, AND READ THE FIRST TIME [BILL 80] | 1621 |
| LORDS, FRIDAY, MARCH 8. | |
| THE CAPE COLONY—RESPONSIBLE GOVERNMENT—OBSERVATIONS, THE MARQUESS OF SALISBURY; REPLY, THE EARL OF KIMBERLEY:—DEBATE THEREON | 1621 |
| FOREIGN ENLISTMENT ACT—THE STEAMERS “MIDLAND” AND “GREAT NORTHERN”—QUESTION, THE EARL OF LAUDERDALE; ANSWER, EARL GRANVILLE | 1639 |

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| TRAMWAYS (METROPOLIS)— | |
| Message from the Commons that they have appointed a Committee to consist of five members to join with a Committee of their Lordships; and to request that their Lordships will be pleased to appoint an equal number of Lords to be joined with the members of that House. | |
| Ordered, That the said Message be taken into consideration on Monday next. | .. 1642 |
| COMMONS, FRIDAY, MARCH 8. | |
| THE ORDNANCE SURVEY—Question, Mr. Gregory ; Answer, Mr. Ayrton .. | 1642 |
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| ABYSSINIA—PRINCE ALAMAYON—Questions, Sir Stafford Northcote ; Answers, The Chancellor of the Exchequer .. | 1643 |
| MASSACRE OF CHRISTIANS IN JAPAN—Question, Mr. A. Egerton ; Answer, Viscount Enfield .. | 1646 |
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| Question proposed, “That the words proposed to be left out stand part of the Question :”—After debate, Amendment, by leave, <i>withdrawn</i> . | |
| RECTORY OF EWELME—Observations, Mr. Mowbray ; Reply, Mr. Gladstone :—Long debate thereon .. | 1673 |
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| Question proposed, “That the words proposed to be left out stand part of the Question :”—After short debate, Amendment, by leave, <i>withdrawn</i> . | |
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| After short debate, <i>Moved</i> , “That this House do now adjourn,”—(<i>Mr. Fawcett.</i>) | 1742 |
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| THE CAPE COLONY—RESPONSIBLE GOVERNMENT—Explanation, The Earl of Kimberley | |
| | 1747 |
| TRAMWAYS (METROPOLIS)—JOINT SELECT COMMITTEE— | |
| Message from the House of Commons of Thursday last on the subject of, <i>considered</i> (according to order) | 1747 |
| <i>Moved</i> , “That a Select Committee be appointed to join with the Select Committee appointed by the House of Commons, as mentioned in the said Message, &c.”—(<i>The Earl Cowper.</i>) | 1747 |
| After short debate, Motion <i>agreed to</i> . | |
| <i>Moved</i> , That such Select Committee should consist of five Lords, three to be a quorum; <i>agreed to</i> . | |
| List of the Committee | 1749 |
| <i>Ordered</i> , That the said Select Committee have power to agree with the Select Committee appointed by the Commons in the appointment of a chairman: Then a Message was ordered to be sent to the House of Commons, in answer to their Message of Thursday last, to inform them of the appointment of the said Select Committee by this House, and to propose to the House of Commons that the joint Committee do meet on <i>Monday</i> next at Three o'clock. | |
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| ARMY RE-ORGANIZATION—DÉPÔT CENTRES—OMAGH—Question, Viscount Crichton; Answer, Mr. Cardwell .. | 1757 |
| GREAT BRITAIN AND CANADA—REMOURED SEVERANCE—Question, Mr. Macfie; Answer, Mr. Knatchbull-Hugessen .. | 1757 |
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| <i>(In the Committee.)</i> | |
| (1.) Question [March 4] again proposed, "That a number of Land Forces, not exceeding 133,049, all ranks (including an average number of 8,185, all ranks, to be employed with the Dépôts in the United Kingdom of Great Britain and Ireland of Regiments serving in Her Majesty's Indian Possessions), be maintained for the service of the United Kingdom of Great Britain and Ireland, from the 1st day of April 1872 to the 31st day of March 1873, inclusive" .. | 1762 |
| Whereupon Motion made, and Question proposed, "That a number of Land Forces, not exceeding 113,849, &c."—(Mr. Helm;)—After long debate, Question put:—The Committee divided; Ayes 58, Noes 234; Majority 171. | |
| Original Question again proposed. | |
| Motion made, and Question proposed, "That a number of Land Forces, not exceeding 123,549, &c."—(Mr. Muntz;)—Question put:—The Committee divided; Ayes 87, Noes 218; Majority 140:—Original Question put, and agreed to. | |
| (2.) Motion made, and Question proposed, "That a sum, not exceeding £5,238,000, be granted to Her Majesty, to defray the Charge of Pay, Allowances, and other Charges of Her Majesty's Land Forces at Home and Abroad, exclusive of India, which will come in course of payment from the 1st day of April 1872 to the 31st day of March 1873, inclusive" .. | 1843 |

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| Question put, “That the Item of £15,736, for Agency, be omitted from the proposed Vote:”—The Committee <i>divided</i> ; Ayes 43, Noes 87; Majority 44:—Original Question put, and <i>agreed to</i> . | |
| Resolutions to be reported <i>To-morrow</i> ; Committee to sit again upon <i>Wednesday</i> . | |
| SUPPLY—REPORT—Resolutions [March 8] <i>reported</i> | 1844 |
| <i>After short debate, Resolutions agreed to.</i> | |
| COUNTY COURTS (WALES)— | |
| <i>Resolved</i> , That, in the opinion of this House, it is desirable, in the interests of the due administration of justice, that the Judge of a County Court District in which the Welsh language is generally spoken should, as far as the limits of selection will allow, be able to speak and understand that language,—(Mr. Osborne Morgan.) | |
| County Buildings (Loans) Bill—Ordered (Mr. Winterbotham, Mr. Secretary Bruce): presented, and read the first time [Bill 84] | 1844 |
| TRAMWAYS (METROPOLIS)— | |
| Message from <i>The Lords</i> .—That they have appointed a Committee, consisting of Five Lords, to join with a Committee of the Commons [pursuant to Message of this House], &c.; and the Lords propose that the said Joint Committee do meet on <i>Monday</i> next, at Three of the clock | 1844 |
| LORDS, TUESDAY, MARCH 12. | |
| ALDERNEY (HARBOUR AND FORTIFICATIONS)—MOTION FOR A SELECT COMMITTEE— | |
| Moved, “That a Select Committee be appointed to inquire into the present state of the Harbour and Fortifications of Alderney.”—(<i>The Duke of Somerset</i>) | 1845 |
| <i>After short debate, Motion agreed to.</i> | |
| And, on Friday, March 15, Committee <i>nominated</i> :—List of the Committee | 1848 |
| COMMONS, TUESDAY, MARCH 12. | |
| SCOTLAND—ALIENATION IN MORTMAIN—Question, Mr. Newdegate; Answer, The Lord Advocate | 1849 |
| EDUCATION—SCHOOLS UNDER SCHOOL BOARDS—Question, Mr. Stapleton; Answer, Mr. W. E. Forster | 1849 |
| IRELAND—THE BREHON LAWS—Question, Mr. Smyth; Answer, The Marquess of Hartington | 1850 |
| ARMY—DÉPÔT CENTRES—HEREFORDSHIRE MILITIA—Question, Sir Herbert Croft; Answer, Mr. Cardwell | 1851 |
| ARMY—DÉPÔT CENTRE FOR THE WEST OF IRELAND—Question, Mr. Ennis; Answer, Mr. Cardwell | 1851 |
| EDUCATION—SCHOOL ACCOMMODATION—Question, Mr. J. S. Hardy; Answer, Mr. W. E. Forster | 1852 |
| ARMY—ARTILLERY MILITIA (IRELAND)—Question, Mr. Osborne; Answer, Mr. Cardwell | 1852 |
| NAVY CONTRACTS—H.M.S. “GANGES”—Question, Mr. R. N. Fowler; Answer, Mr. Shaw Lefevre | 1853 |
| INDIA—AUDITOR OF INDIAN ACCOUNTS—Question, Major Arbuthnot; Answer, Mr. Grant Duff | 1853 |

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| <i>Moved</i> , "That a Select Committee be appointed to inquire and report upon the best means of promoting the despatch of Scotch Parliamentary Business;"—(Sir David Wedderburn) | 1853 |
| Amendment proposed, | |
| To add, at the end of the Question, the words "and that the Committee shall also inquire as to the best mode of remedying the inconveniences now existing as respects the transaction of Irish Business;"—(Mr. P. M. ...) | |
| Question proposed, "That those words be there added:"—After debate, | |
| [House counted out] | |

COMMONS, WEDNESDAY, MARCH 13.

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|--|------|
| Fires Bill [Bill 7]— | |
| <i>Moved</i> , "That the Bill be now read a second time,"—(Mr. M. Lagan) ... | 1886 |
| After short debate, Motion agreed to :—Bill read a second time, and committed for Thursday 4th April. | |
| Albert and European Life Assurance Companies (Inquiry) Bill [Bill 8]— | |
| <i>Moved</i> , "That the Bill be now read a second time,"—(Mr. Barnett) ... | 1902 |
| After short debate, Motion agreed to :—Bill read a second time, and committed for Wednesday 10th April. | |
| Public Worship Facilities Bill [Bill 18]— | |
| <i>Moved</i> , "That the Bill be now read a second time,"—(Mr. Salt) ... | 1904 |
| Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(Mr. Beresford Hope.) | |
| After debate, Question put, "That the word 'now' stand part of the Question:"—The House divided; Ayes 122, Noes 93; Majority 29:—Main Question put, and agreed to :—Bill read a second time, and committed for Tuesday 16th April. | |
| Justices Clerks (Salaries) Bill [Bill 39]— | |
| <i>Moved</i> , "That the Bill be now read a second time,"—(Mr. Maguire) ... | 1924 |
| Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(Sir Michael Hicks-Beach.) | |
| After short debate, Question proposed, "That the word 'now' stand part of the Question." | |
| And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till To-morrow. | |
| County Courts (Small Debts) Bill—Ordered (Mr. Bass, Mr. William Fowler): presented, and read the first time [Bill 86] ... | 1931 |
| Corrupt Practices at Municipal Elections Bill—Ordered (Mr. James, Mr. Whitbread, Mr. Cross, Mr. Leatham, Mr. Rathbone): presented, and read the first time [Bill 86] | 1931 |

LORDS, THURSDAY, MARCH 14.

| | |
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| Ecclesiastical Courts and Registries Bill (No. 15)— | |
| Order of the Day for receiving the Report of the Amendments, read ... | 1931 |
| <i>Moved</i> , "That the Report of the Amendments be now received,"—(The Earl of Shaftesbury.) | |
| After short debate, on Question? agreed to :—Amendments reported accordingly:—Amendments made:—Bill to be read 3 rd on Thursday next; and to be printed, as amended. (No. 50.) | |

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| RECTORY OF EWELME—Explanation, Mr. Gladstone .. . | 1946 |
| GRAND JURY PRESENTMENTS (IRELAND) BILL—Question, Sir Hervey Bruce ; Answer, The Marquess of Hartington .. . | 1946 |
| IRELAND—LANDLORD AND TENANT ACT—THE IRISH BOARD OF WORKS— Question, Sir Hervey Bruce ; Answer, Mr. Gladstone .. | 1947 |
| METROPOLIS—PUBLIC HEALTH BILL—PORT OF LONDON—Question, Lord Robert Montagu ; Answer, Mr. Stansfeld .. . | 1948 |
| CANADA—INTERCOLONIAL RAILWAY FROM QUEBEC TO HALIFAX—Question, Mr. Whatman ; Answer, Mr. Knatchbull-Hugessen .. | 1948 |
| ARMY—OFFICERS OF THE MILITIA—Question, Major Arbuthnot ; Answer, Mr. Cardwell .. . | 1949 |
| ASSESSMENT OF GOVERNMENT PROPERTY TO LOCAL RATES—Question, Major Dickson ; Answer, Mr. Stansfeld .. . | 1949 |
| TREATY OF WASHINGTON — TRIBUNAL OF ARBITRATION (GENEVA) — THE INDIRECT CLAIMS—Question, Mr. Disraeli ; Answer, Mr. Gladstone .. | 1950 |
| PARLIAMENT—GRANTS OF PUBLIC MONEY—STANDING ORDERS—Observations, Mr. Monk ; Reply, Mr. Speaker .. . | 1950 |
| METROPOLIS—LEICESTER SQUARE—Questions, Lord Eustace Cecil, Mr. Bowring ; Answers, Mr. Speaker, Colonel Hogg .. . | 1953 |
| Parliamentary and Municipal Elections Bill [Bill 21] and } Corrupt Practices Bill [Bill 22]— } | |
| <i>Considered in Committee [Progress 29th February]</i> .. . | 1955 |
| PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL— | |
| Clause 1 (Nomination of candidates for Parliamentary elections) .. | 1955 |
| After long time, Committee report Progress ; to sit again <i>To-morrow.</i> | |
| SUPPLY—Order for Committee read ; Motion made, and Question proposed, “ That Mr. Speaker do now leave the Chair :”— | |
| Observations, Mr. Slater-Booth .. . | 2003 |
| <i>Moved, “ That the Debate be now adjourned,”</i> —(Sir James Elphinstone.) | |
| After short debate, Motion negatived. | |
| SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES— | |
| (In the Committee.) | |
| (1.) That a sum, not exceeding £84,047 15s. 11d., be granted to Her Majesty, to make good Excesses of Expenditure beyond the Grants for the following Civil Services for the year ended on the 31st day of March 1871, viz.:—[Then the several Services set forth at length.]—After short debate, Vote agreed to .. . | 2004 |
| (2.) That a sum, not exceeding £44,427 7s. 4d., be granted to Her Majesty, to make good Excesses of Expenditure beyond the Grants for the following Revenue Departments for the year ending on the 31st day of March 1871, viz.:— | £ s. d. |
| Post Office | 9,950 4 1 |
| Telegraph Services | 34,477 3 3 |
| | £44,427 7 4 |
| (3.) £8,000, Supplementary sum, National Gallery.—After short debate, Vote agreed to .. . | 2007 |
| (4.) £10,000, National Thanksgiving in St. Paul’s Cathedral.—After short debate, Vote agreed to .. . | 2008 |
| (5.) £2,000, Supplementary sum, British Embassy Houses, Constantinople, &c.—After short debate, Vote agreed to .. . | 2008 |
| (6.) £3,000, Supplementary sum, Mint. | |
| (7.) £2,050, Supplementary sum, Paymaster General, London and Dublin. | |
| (8.) £33,000, Supplementary sum, Stationery, &c.—After short debate, Vote agreed to .. . | 2009 |
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| (12.) £18,000, Supplementary sum, Embassies and Missions Abroad. | |
| (13.) £27,000, Supplementary sum, Superannuation and Retired Allowances. | |
| (14.) Motion made, and Question proposed, “That a Supplementary sum, not exceeding £4,810, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for certain Miscellaneous Expenses” | 2010 |
| Motion made, and Question proposed, “That the Chairman do report Progress, and ask leave to sit again,”—(Mr. Lea :)—After short debate, Motion, by leave, withdrawn:—Original Question put, and agreed to. | ... |
| (15.) £23,304, Supplementary sum, Miscellaneous Advances to Civil Contingencies Fund. | |
| (16.) £2,360, Mediterranean Extension Telegraph (Guarantee). | |
| (17.) £3,100, Supplementary sum, Crown, &c. Abyssinia, &c. | |
| (18.) £20,000, Supplementary sum, Customs Department. | |
| Resolutions to be reported <i>To-morrow</i>; Committee to sit again <i>To-morrow</i>. | |
| SUPPLY—REPORT—Resolutions [March 11] reported | 2012 |
| After short debate, Resolutions agreed to. | |
| Mutiny Bill—Ordered (Mr. Dodson, Mr. Secretary Cardwell, Mr. Campbell); presented, and read the first time | 2012 |
| TRAMWAYS (METROPOLIS)— | |
| Message from The Lords [11th March], considered. | |
| Ordered, That the Select Committee appointed by this House to join with a Committee of The Lords on the subject of Metropolitan Tramways do meet The Lords Committee upon Monday next, at Three of the clock. | |
| Message to The Lords to acquaint them therewith; and the Clerk to carry the same. | |
| Ordered, That the Select Committee have power to agree in the appointment of a Chairman of the Joint Committee. | |

LORDS.

NEW PEERS.

TUESDAY, FEBRUARY 6, 1872.

Frederick Temple, Baron Dufferin and Claneboye, created Earl of Dufferin in the county of Down.

TUESDAY, FEBRUARY 13.

The Right Honourable John Evelyn Denison, late Speaker of the House of Commons, created Viscount Ossington.

THURSDAY, FEBRUARY 15.

The Right Honourable John Arthur Douglas Baron Bloomfield in that part of the United Kingdom of Great Britain and Ireland called Ireland, Knight Grand Cross of the Order of the Bath, Her Majesty's Ambassador to the Emperor of Austria, created Baron Bloomfield of the United Kingdom.

The Right Honourable Sir Frederick Rogers, Baronet, Knight Commander of the Order of Saint Michael and Saint George, created Baron Blachford.

REPRESENTATIVE PEER FOR SCOTLAND (*Writ and Return.*)

FRIDAY, MARCH 8.

Marquess of Queensberry, *v.* Earl Kellie, deceased.

SAT FIRST.

TUESDAY, FEBRUARY 6, 1872.

The Lord Hastings, after the Death of his Brother.

THURSDAY, FEBRUARY 8.

The Lord Ellenborough, after the Death of his Uncle.

THURSDAY, FEBRUARY 15.

The Lord Foley, after the Death of his Father.

MONDAY, FEBRUARY 19.

The Lord Kenry (Earl of Dunraven and Mount Earl), after the Death of his Father.

THURSDAY, FEBRUARY 22.

The Lord Kenmare, after the Death of his Father.

COMMONS.

NEW WRITS ISSUED.

DURING RECESS.

For *Truro*, *v.* Hon. John Cranch Walker Vivian, Under Secretary to the Right Hon. Edward Cardwell.

For *Plymouth*, *v.* Sir Robert Porrett Collier, knight, one of the Justices of the Court of Common Pleas.

For *Dover*, *v.* George Jessel, esquire, Solicitor General.

For *York County* (West Riding, Northern Division), *v.* Sir Francis Crossley, baronet, deceased.

For *Limerick City*, *v.* Francis William Russell, esquire, deceased.

NEW WRITS ISSUED—*continued.*

DURING RECESS—*continued.*

For *Galway County*, v. Right Hon. William Henry Gregory, Governor and Commander in Chief of the Island of Ceylon and its dependencies.

For *Kerry*, v. Right Hon. Valentine Augustus Browne, commonly called Viscount Castlerosse, now Earl of Kenmare.

TUESDAY, FEBRUARY 6, 1872.

For *Wick*, v. George Loch, esquire, Manor of Northstead.

For *Chester County* (Western Division), v. John Tollemache, esquire, Chiltern Hundreds.

WEDNESDAY, FEBRUARY 14.

For *Nottingham County* (Northern Division), v. The Right Hon. John Evelyn Denison, now Viscount Ossington.

WEDNESDAY, FEBRUARY 21.

For *Flint County*, v. Richard de Aquila Grosvenor, commonly called Lord Richard de Aquila Grosvenor, Vice Chamberlain of Her Majesty's Household.

THURSDAY, FEBRUARY 29.

For *Gloucester County* (Eastern Division), v. Robert Stayner Holford, esquire, Chiltern Hundreds.

MONDAY, MARCH 4.

For *Wallingford*, v. Stanley Vickers, esquire, deceased.

NEW MEMBERS SWORN.

TUESDAY, FEBRUARY 6, 1872.

Dover—George Jessel, esquire.

Surrey (Eastern Division)—James Watney, junior, esquire.

Plymouth—Edward Bates, esquire.

Truro—James Macnaghten Hogg, esquire.

MONDAY, FEBRUARY 12.

York County (West Riding, Northern Division)—Francis Sharp Powell, esquire.

TUESDAY, FEBRUARY 13.

Galway County—John Philip Nolan, esquire.

MONDAY, FEBRUARY 19.

Chester County (Western Division)—Wilbraham Frederick Tollemache, esquire.

THURSDAY, FEBRUARY 29.

Nottingham County (Northern Division)—Hon. George Edmund Milnes Monckton.

MONDAY MARCH 4.

Wick—John Pender, esquire.

Flint County—Lord Richard Grosvenor.

FRIDAY, MARCH 8.

Kerry—Rowland Ponsonby Blennerhassett, esquire, (sometimes called Hasset of Kells).

TUESDAY, MARCH 12.

Wallingford—Edward Wells, esquire.

Gloucester County (Eastern Division)—John Reginald Yorke, esquire.

THE MINISTRY

AS FORMED BY THE RIGHT HONOURABLE WILLIAM EWART GLADSTONE.

THE CABINET.

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| First Lord of the Treasury | Right Hon. WILLIAM EWART GLADSTONE. |
| Lord Chancellor | Right Hon. Lord HATHERLY. |
| President of the Council | Most Hon. Marquess of RIFON, K.G. |
| Lord Privy Seal | Right Hon. Viscount HALIFAX, G.C.B. |
| Secretary of State, Home Department | Right Hon. Henry Austin BRUCE. |
| Secretary of State, Foreign Department | Right Hon. Earl GRANVILLE, K.G. |
| Secretary of State for Colonies | Right Hon. Earl of KIMBERLEY. |
| Secretary of State for War | Right Hon. EDWARD CARDWELL. |
| Secretary of State for India | His Grace the Duke of ARGYLL, K.G. |
| Chancellor of the Exchequer | Right Hon. ROBERT LOWE. |
| First Lord of the Admiralty | Right Hon. GEORGE JOACHIM GOSCHEN. |
| Postmaster General | Right Hon. WILLIAM MONBELL. |
| President of the Board of Trade | Right Hon. CHICHESTER SAMUEL FORTESCUE. |
| Chief Secretary to the Lord Lieutenant (Ireland) | Right Hon. Marquess of HARTINGTON. |
| Chief Commissioner of the Poor Law Board | Right Hon. JAMES STANFIELD. |

NOT IN THE CABINET.

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| Field Marshal Commanding-in-Chief | H.R.H. the Duke of CAMBRIDGE, K.G. |
| Chancellor of the Duchy of Lancaster | Right Hon. Lord DUFFERIN, K.P., K.C.B. |
| Chief Commissioner of Works and Public Buildings | Right Hon. ACTON SMEY AYTON. |
| Vice President of the Committee of Privy Council for Education | Right Hon. WILLIAM EDWARD FORSTER. |
| Lords of the Treasury | Most Hon. Marquess of LANSDOWNE, WILLIAM PATRICK ADAM, Esq., and WILLIAM HENRY GLADSTONE, Esq. |
| Lords of the Admiralty | Admiral Sir SYDNEY COLPOYS DACKES, K.C.B., Vice Admiral Sir ROBERT SPENCER ROBINSON, K.C.B., Captain Lord JOHN HAY, C.B., and Right Hon. Earl of CAMPERDOWN. |
| Joint Secretaries of the Treasury | Hon. GEORGE GRENFELL GLYN, and WILLIAM EDWARD BAXTER, Esq. |
| Secretary of the Admiralty | GEORGE JOHN SHAW-LEFEVRE, Esq. |
| Secretary to the Board of Trade | ARTHUR WELLESLEY PEEL, Esq. |
| Secretary to the Poor Law Commissioners | JOHN TOMLINSON HIBBERT, Esq. |
| Under Secretary, Home Department | HENRY SELFR PAGE WINTERBOTHAM, Esq. |
| Under Secretary, Foreign Department | VISCOUNT ENFIELD |
| Under Secretary for Colonies | EDWARD HUGESSEN KNATCHBULL-HUGESSEN, Esq. |
| Under Secretary for War | Hon. Captain JOHN CRANCH WALKER VIVIAN. |
| Under Secretary for India | MONTSTUART ELPHINSTONE GRANT DUFF, Esq. |
| Judge Advocate General | Sir ROBERT JOSEPH PHILLimore, Knt. |
| Attorney General | Sir JOHN DURE COLEBRIDGE, Knt. |
| Solicitor General | Sir GEORGE JESSEL, Knt. |

SCOTLAND.

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| Lord Advocate | Right Hon. GEORGE YOUNG. |
| Solicitor General | ANDREW RUTHERFORD CLARK, Esq. |

IRELAND.

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| Lord Lieutenant | Right Hon. Earl SPENCER, K.G., K.P. |
| Lord Chancellor | Right Hon. Lord O'HAGAN. |
| Chief Secretary to the Lord Lieutenant | Right Hon. Marquess of HARTINGTON. |
| Attorney General | Right Hon. RICHARD DOWSE. |
| Solicitor General | CHRISTOPHER PALLS, Esq. |

QUEEN'S HOUSEHOLD.

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| Lord Steward | Right Hon. Earl of BESSBOROUGH. |
| Lord Chamberlain | Right Hon. Viscount SYDNEY, G.C.B. |
| Master of the Horse | Most Hon. Marquess of AILESBURY, K.G. |
| Treasurer of the Household | Right Hon. Lord DE TABLEY. |
| Comptroller of the Household | Right Hon. Lord OTHO AUGUSTUS FITZGERALD. |
| Vice Chamberlain of the Household | Right Hon. Lord RICHARD DE AQUILA GROSVENOR. |
| Captain of the Corps of Gentlemen at Arms | His Grace the Duke of ST. ALBANS. |
| Captain of the Yeomen of the Guard | Right Hon. Earl of CORK, K.P. |
| Master of the Buckhounds | Lord ALFRED HENRY PAGE. |
| Chief Equerry and Clerk Marshal | Her Grace the Duchess of SUTHERLAND. |
| Mistress of the Robes | |

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL

IN THE FOURTH SESSION OF THE TWENTIETH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

35^o VICTORIÆ 1872.

MEM.—According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.

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| His Royal Highness THE PRINCE OF WALES. | WILLIAM ALEXANDER LOUIS STEPHEN Duke of BRANDON. (<i>Duke of Hamilton.</i>) |
| His Royal Highness ALFRED ERNEST ALBERT Duke of EDINBURGH. | WILLIAM JOHN Duke of PORTLAND. |
| His Royal Highness GEORGE FREDERICK ALEXANDER CHARLES ERNEST AUGUSTUS Duke of CUMBERLAND AND TECIOTDALE. (<i>King of Hanover.</i>) | WILLIAM DROGO Duke of MANCHESTER. |
| His Royal Highness GEORGE WILLIAM FREDERICK CHARLES Duke of CAMBRIDGE. | HENRY PELHAM ALEXANDER Duke of NEWCASTLE. |
| ARCHIBALD CAMPBELL Archbishop of CANTERBURY. | ALGERNON GEORGE Duke of NORTHUMBERLAND. |
| WILLIAM PAGE Lord HATHERLEY, <i>Lord Chancellor.</i> | ARTHUR RICHARD Duke of WELLINGTON. |
| WILLIAM ARCHBISHOP of YORK. | RICHARD PLANTAGENET CAMPBELL Duke of BUCKINGHAM AND CHANDOS. |
| GEORGE FREDERICK SAMUEL Marquess of RIPPON, <i>Lord President of the Council.</i> | GEORGE GRANVILLE WILLIAM Duke of SUTHERLAND. |
| CHARLES Viscount HALIFAX, <i>Lord Privy Seal.</i> | HARRY GEORGE Duke of CLEVELAND. |
| HENRY Duke of NORFOLK, <i>Earl Marshal of England.</i> | JOHN Marquess of WINCHESTER. |
| EDWARD ADOLPHUS Duke of SOMERSET. | GEORGE Marquess of TWEEDDALE. (<i>Elected for Scotland.</i>) |
| CHARLES HENRY Duke of RICHMOND. | HENRY CHARLES KEITH Marquess of LANSDOWNE. |
| WILLIAM HENRY Duke of GRAFTON. | JOHN VILLIERS STUART Marquess TOWNSEND. |
| HENRY CHARLES FITZROY Duke of BEAUFORT. | ROBERT ARTHUR TALBOT Marquess of SALISBURY. |
| WILLIAM AMELIUS AUBREY DE VERE Duke of SAINT ALBANS. | JOHN ALEXANDER Marquess of BATH. |
| GEORGE GODOLPHIN Duke of LEEDS. | JAMES Marquess of ABERCORN. (<i>Duke of Abercorn.</i>) |
| WILLIAM Duke of BEDFORD. | FRANCIS HUGH GEORGE Marquess of HERTFORD. |
| WILLIAM Duke of DEVONSHIRE. | JOHN PATRICK Marquess of BUTE. |
| JOHN WINSTON Duke of MARLBOROUGH. | WILLIAM ALLEYNE Marquess of EXETER. |
| CHARLES CECIL JOHN Duke of RUTLAND. | CHARLES Marquess of NORTHAMPTON. |
| | JOHN CHARLES Marquess CAMDEN. |
| | HENRY WILLIAM GEORGE Marquess of ANGLESEY. |

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL.

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| WILLIAM HENRY HUGH Marquess of CHOLMONDELEY. | DAVID GRAHAM DRUMMOND Earl of AIRLIE. (<i>Elected for Scotland.</i>) |
| GEORGE WILLIAM FREDERICK Marquess of AYLESBURY. | JOHN THORNTON Earl of LEVEN AND MELVILLE. (<i>Elected for Scotland.</i>) |
| FREDERICK WILLIAM JOHN Marquess of BRISTOL. | DUNBAR JAMES Earl of SELKIRK. (<i>Elected for Scotland.</i>) |
| ARCHIBALD Marquess of AILSA. | THOMAS JOHN Earl of ORKNEY. (<i>Elected for Scotland.</i>) |
| HUGH LUPUS Marquess of WESTMINSTER. | SEWALLIS EDWARD Earl FERRERS. |
| GEORGE AUGUSTUS CONSTANTINE Marquess of NORMANDY. | WILLIAM WALTER Earl of DARTMOUTH. |
| GEORGE FREDERICK SAMUEL Marquess of RIPON. (<i>In another Place as Lord President of the Council.</i>) | CHARLES Earl of TANKERVILLE. |
| CHARLES JOHN Earl of SHREWSBURY. | HENEAGE Earl of AYLESFORD. |
| EDWARD HENRY Earl of DERBY. | FRANCIS THOMAS DE GREY Earl COWPER. |
| FRANCIS THEOPHILUS HENRY Earl of HUNTINGDON. | PHILIP HENRY Earl STANHOPE. |
| GEORGE ROBERT CHARLES Earl of PEMBROKE AND MONTGOMERY. | THOMAS AUGUSTUS WOLSTENHOLME Earl of MACCLESFIELD. |
| WILLIAM REGINALD Earl of DEVON. | JAMES Earl GRAHAM. (<i>Duke of Montrose.</i>) |
| CHARLES JOHN Earl of SUFFOLK AND BERKSHIRE. | WILLIAM FREDERICK Earl WALDEGRAVE. |
| RUDOLPH WILLIAM BASIL Earl of DENBIGH. | BERTRAM Earl of ASHBURNHAM. |
| FRANCIS WILLIAM HENRY Earl of WESTMORLAND. | CHARLES WYNDHAM Earl of HARRINGTON. |
| GEORGE AUGUSTUS FREDERICK ALBEMARLE Earl of LINDSEY. | ISAAC NEWTON Earl of PORTSMOUTH. |
| GEORGE HARRY Earl of STAMFORD AND WARRINGTON. | GEORGE GUY EARL BROOKE and Earl of WARWICK. |
| GEORGE JAMES Earl of WINCHILSEA AND NOTTINGHAM. | AUGUSTUS EDWARD Earl of BUCKINGHAMSHIRE. |
| — Earl of CHESTERFIELD. | WILLIAM THOMAS SPENCER Earl FITZWILLIAM. |
| JOHN WILLIAM Earl of SANDWICH. | DUDLEY FRANCIS Earl of GUILFORD. |
| ARTHUR ALGERNON Earl of ESSEX. | CHARLES PHILIP Earl of HARDWICKE. |
| WILLIAM GEORGE Earl of CARLISLE. | HENRY EDWARD Earl of LICHFIELD. |
| WALTER FRANCIS Earl of DONCASTER. (<i>Duke of Buccleuch and Queensberry.</i>) | CHARLES RICHARD Earl De LA WARR. |
| ANTHONY Earl of SHAFTESBURY. | JACOB Earl of RADNOH. |
| — Earl of BERKELEY. | JOHN POYNTZ Earl SPENCER. |
| MONTAGU Earl of ABINGDON. | WILLIAM LENNOX Earl BATHURST. |
| RICHARD GEORGE Earl of SCARBROOUGH. | ARTHUR WILLS BLUNDELL TRUMBULL SANDYS RODEN Earl of HILLSBOROUGH. (<i>Marquess of Downshire.</i>) |
| GEORGE THOMAS Earl of ALBEMARLE. | EDWARD HYDE Earl of CLABENDON. |
| GEORGE WILLIAM Earl of COVENTRY. | WILLIAM DAVID Earl of MANSFIELD. |
| VICTOR ALBERT GEORGE Earl of JERSEY. | WILLIAM Earl of ABERGAVENNY. |
| WILLIAM HENRY Earl POULETT. | JOHN JAMES HUGH HENRY Earl STRANGE. (<i>Duke of Athol.</i>) |
| SHOLTO JOHN Earl of MORTON. (<i>Elected for Scotland.</i>) | WILLIAM HENRY Earl of MOUNT EDGCUMBE. |
| COSPATRICK ALEXANDER Earl of HOME. (<i>Elected for Scotland.</i>) | HUGH Earl FORTESCUE. |
| CLAUDE Earl of STRATHMORE AND KINGHORN. (<i>Elected for Scotland.</i>) | HENRY HOWARD MOLYNEUX Earl of CARNARVON. |
| THOMAS Earl of LAUDERDALE. (<i>Elected for Scotland.</i>) | HENRY CHARLES Earl CADOGAN. |
| | JAMES HOWARD Earl of MALMESBURY. |
| | JOHN VANSITTART DANVERS Earl of LANESBOROUGH. (<i>Elected for Ireland.</i>) |
| | STEPHEN Earl of MOUNT CASHELL. (<i>Elected for Ireland.</i>) |

ROLL OF THE LORDS

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| GEORGE Lord HAY. (<i>Earl of Kinnoul.</i>) | WILLIAM Lord BRODRICK. (<i>Viscount Midleton.</i>) |
| HENRY Lord MIDDLETON. | FREDERICK HENRY WILLIAM Lord CALTHORPE. |
| WILLIAM JOHN Lord MONSON. | PETER ROBERT Lord Gwydir. |
| JOHN GEORGE BRABAZON Lord PONSONBY. (<i>Earl of Bessborough.</i>) (In another Place as <i>Lord Steward of the Household.</i>) | CHARLES ROBERT Lord CARRINGTON. |
| GEORGE JOHN Lord SONDES. | WILLIAM HENRY Lord BOLTON. |
| ALFRED NATHANIEL HOLDEN Lord SCARSDALE. | GEORGE Lord NORTHWICK. |
| FLORANCE GEORGE HENRY Lord BOSTON. | THOMAS LYTTLETON Lord LILFORD. |
| GEORGE JAMES Lord LOVELAND HOLLAND. (<i>Earl of Egmont.</i>) | THOMAS Lord RIBBLESDALE. |
| AUGUSTUS HENRY Lord VERNON. | EDWARD Lord DUNSANY. (<i>Elected for Ireland.</i>) |
| EDWARD ST. VINCENT Lord DIGBY. | THEOBALD FITZ-WALTER Lord DUNBOYNE. (<i>Elected for Ireland.</i>) |
| GEORGE DOUGLAS Lord SUNDRIDGE. (<i>Duke of Argyll.</i>) (In another Place as One of Her Majesty's Principal Secretaries of State.) | LUCIUS Lord INCHIQUIN. (<i>Elected for Ireland.</i>) |
| EDWARD HENRY JULIUS Lord HAWKE. | CADWALLADER DAVIS Lord BLAYNEY. (<i>Elected for Ireland.</i>) |
| HENRY THOMAS Lord FOLEY. | JOHN CAVENDISH Lord KILMAINE. (<i>Elected for Ireland.</i>) |
| FRANCIS WILLIAM Lord DINEVOR. | ROBERT Lord CLONBROCK. (<i>Elected for Ireland.</i>) |
| THOMAS Lord WALSINGHAM. | CHARLES Lord HEADLEY. (<i>Elected for Ireland.</i>) |
| WILLIAM Lord BAGOT. | DAYROLLES BLAKENEY Lord VENTRY. (<i>Elected for Ireland.</i>) |
| CHARLES Lord SOUTHAMPTON. | EYRE Lord CLARINA. (<i>Elected for Ireland.</i>) |
| FLETCHER Lord GRANTLEY. | HENRY FRANCIS SEYMOUR Lord MOORE. (<i>Marquess of Drogheda.</i>) |
| GEORGE BRIDGES HARLEY DENNETT Lord RODNEY. | JOHN HENRY WELLINGTON GRAHAM Lord LOFTUS. (<i>Marquess of Ely.</i>) |
| WILLIAM GORDON CORNWALLIS Lord ELIOT. | GRANVILLE LEVESON Lord CARYSFORT. (<i>Earl of Carysfort.</i>) |
| WILLIAM Lord BERWICK. | GEORGE RALPH Lord ABERCROMBY. |
| JAMES HENRY LEGGE Lord SHERBORNE. | JOHN THOMAS Lord REDESDALE. |
| JOHN HENRY DE LA POER Lord TYRONE. (<i>Marquess of Waterford.</i>) | HORACE Lord RIVERS. |
| HENRY BENTINCK Lord CARLETON. (<i>Earl of Shannon.</i>) | CHARLES EDMUND Lord ELLENBOROUGH. |
| CHARLES Lord SUFFIELD. | AUGUSTUS FREDERICK ARTHUR Lord SANDYS |
| GUY Lord DORCHESTER. | GEORGE AUGUSTUS FREDERICK CHARLES Lord SHEFFIELD. (<i>Earl of Sheffield.</i>) |
| LLOYD Lord KENYON. | THOMAS AMERICUS Lord ERSKINE. |
| CHARLES CORNWALLIS Lord BRAYBROOKE. | GEORGE JOHN Lord MONT EAGLE. (<i>Marquess of Sligo.</i>) |
| GEORGE HAMILTON Lord FISHERWICK. (<i>Marquess of Donegal.</i>) | GEORGE ARTHUR HASTINGS Lord GRANARD. (<i>Earl of Granard.</i>) |
| HENRY HALL Lord GAGE. (<i>Viscount Gage.</i>) | HUNGERFORD Lord CREWE. |
| EDWARD THOMAS Lord THURLOW. | ALAN LEGGE Lord GARDNER. |
| WILLIAM GEORGE Lord AUCKLAND. | JOHN THOMAS Lord MANNERS. |
| GEORGE WILLIAM Lord LYTTELTON. | JOHN ALEXANDER Lord HOPETOUN. (<i>Earl of Hopetoun.</i>) |
| GEORGE Lord MENDIP. (<i>Viscount Clifden.</i>) | FREDERICK WILLIAM ROBERT Lord STEWART OF STEWART'S COURT. (<i>Marquess of Londonderry.</i>) |
| ARCHIBALD GEORGE Lord STUART OF CASTLE STUART. (<i>Earl of Moray.</i>) | |
| RANDOLPH Lord STEWART OF GARLIES. (<i>Earl of Galloway.</i>) | |
| JAMES GEORGE HENRY Lord SALTERS-FORD. (<i>Earl of Courtown.</i>) | |

SPIRITUAL AND TEMPORAL.

- CHARLES Lord MELDRUM. (*Marquess of Huntly.*)
- GEORGE FREDERICK Lord ROSS. (*Earl of Glasgow.*)
- WILLIAM WILLOUGHBY Lord GRINSTEAD. (*Earl of Enniskillen.*)
- WILLIAM HALE JOHN CHARLES Lord FOXFORD. (*Earl of Limerick.*)
- FRANCIS GEORGE Lord CHURCHILL.
- GEORGE FRANCIS ROBERT Lord HARRIS.
- REGINALD CHARLES EDWARD Lord COLDINGHAM.
- SCHOMBERG HENRY Lord KER. (*Marquess of Lothian.*)
- FRANCIS NATHANIEL Lord MINSTER. (*Marquess Conyngham.*)
- JAMES EDWARD WILLIAM THEOBALD Lord ORMONDE. (*Marquess of Ormonde.*)
- FRANCIS Lord WEMYSS. (*Earl of Wemyss.*)
- ROBERT Lord CLANBRASSILL. (*Earl of Roden.*)
- WILLIAM LYON Lord SILCHESTER. (*Earl of Longford.*)
- CLOTWORTHY JOHN EYRE Lord ORIEL. (*Viscount Massereene.*)
- HENRY THOMAS Lord RAVENSWORTH.
- HUGH Lord DELAMERE.
- JOHN GEORGE WELD Lord FORESTER.
- JOHN JAMES Lord RAYLEIGH.
- ROBERT FRANCIS Lord GIFFORD.
- ULICK JOHN Lord SOMERHILL. (*Marquess of Clanricarde.*)
- ALEXANDER WILLIAM CRAWFORD Lord WIGAN. (*Earl of Crawford and Balcarres.*)
- THOMAS GRANVILLE HENRY STUART Lord RANFURLY. (*Earl of Ranfurly.*)
- GEORGE Lord DE TABLEY.
- EDWARD MONTAGU STUART GRANVILLE Lord WHARNCLIFFE.
- CHARLES STUART AUBREY Lord TENTERDEN.
- WILLIAM CONYNGHAM Lord PLUNKET.
- WILLIAM HENRY ASHE Lord HEYTESBURY.
- ARCHIBALD PHILIP Lord ROSEBERY. (*Earl of Rosebery.*)
- RICHARD Lord CLANWILLIAM. (*Earl of Clanwilliam.*)
- EDWARD Lord SKELMEWSDALE.
- WILLIAM DRAPER MORTIMER Lord WYNFORD.
- WILLIAM HENRY Lord KILMARNOCK. (*Earl of Erroll.*)
- ARTHUR JAMES Lord FINGALL. (*Earl of Fingall.*)
- WILLIAM PHILIP Lord SEFTON. (*Earl of Sefton.*)
- WILLIAM SYDNEY Lord CLEMENTS. (*Earl of Leitrim.*)
- GEORGE WILLIAM FOX Lord ROSSIE. (*Lord Kinnaird.*)
- THOMAS Lord KENLIS. (*Marquess of Headfort.*)
- WILLIAM Lord CHAWORTH. (*Earl of Meath.*)
- CHARLES ADOLPHUS Lord DUNMORE. (*Earl of Dunmore.*)
- JOHN HOBART Lord HOWDEN.
- FOX Lord PANMURE. (*Earl of Dalhousie.*)
- AUGUSTUS FREDERICK GEORGE WARWICK Lord POLTIMORE.
- EDWARD MOSTYN Lord MOSTYN.
- HENRY SPENCEB Lord TEMPLEMORE.
- VALENTINE FREDERICK Lord CLONGOURBY.
- JOHN ST. VINCENT Lord DE SAUMAREZ.
- LUCIUS BENTINCK Lord HUNSDON. (*Viscount Falkland.*)
- THOMAS Lord DENMAN.
- WILLIAM FREDERICK Lord ABINGER.
- PHILIP Lord DE L'ISLE AND DUDLEY.
- ALEXANDER HUGH Lord ASHBURTON.
- EDWARD RICHARD Lord HATHERTON.
- ARCHIBALD BRABAZON Sparrow Lord WORLINGHAM. (*Earl of Gorford.*)
- WILLIAM FREDERICK Lord STRATHEDEN.
- GEOFFREY DOMINICK AUGUSTUS FREDERICK Lord ORANMORE AND BROWNE. (*Elected for Ireland.*)
- EDWARD BERKELEY Lord PORTMAN.
- THOMAS ALEXANDER Lord LOVAT.
- WILLIAM BATEMAN Lord BATEMAN.
- JAMES MOLYNEUX Lord CHARLEMONT. (*Earl of Charlemont.*)
- FRANCIS ALEXANDER Lord KINTORE. (*Earl of Kintore.*)
- GEORGE PONSONBY Lord LISMORE. (*Viscount Lismore.*)
- HENRY CAIRNS Lord ROSSMORE.
- ROBERT SHAPLAND Lord CAREW.
- CHARLES FREDERICK ASHLEY COOPER Lord DE MAULEY.
- ARTHUR Lord WROTTESLEY.
- SUDELEY CHARLES GEORGE TRACY Lord SUDELEY.

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL.

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| FREDERICK HENRY PAUL Lord METHUEN. | JOHN Lord ROMILLY. |
| HENRY EDWARD JOHN Lord STANLEY OF ALDERLEY. | THOMAS GEORGE Lord NORTHERBOOK. |
| HENRY Lord STUART DE DECIES. | JAMES Lord BARROGILL. (<i>Earl of Caithness.</i>) |
| WILLIAM HENRY Lord LEIGH. | THOMAS Lord CLERMONT. |
| BELBY RICHARD Lord WENLOCK. | WILLIAM MEREDYTH Lord MEREDYTH. (<i>Lord Athlumney.</i>) |
| CHARLES Lord LUGGAN. | WINDHAM THOMAS Lord KENBY. (<i>Earl of Dunraven and Mount-Earl.</i>) |
| THOMAS SPRING Lord MONTEAGLE OF BRANDON. | CHARLES STANLEY Lord MONCK. (<i>Viscount Monck.</i>) |
| JAMES Lord SEATON. | JOHN MAJOR Lord HARTISMORE. (<i>Lord Henniker.</i>) |
| EDWARD ARTHUR WELLINGTON Lord KEANE. | EDWARD GEORGE EARLE LYTTON Lord LYTTON. |
| JOHN Lord OXENFOORD. (<i>Earl of Stair.</i>) | WILLIAM GEORGE HYLTON Lord HYLTON. |
| CHARLES CRESPIGNY Lord VIVIAN. | HUGH HENRY Lord STRATHNAIRN. |
| JOHN Lord CONGLETON. | EDWARD GORDON Lord PENRHYN. |
| DENIS ST. GEORGE Lord DUNSANDLE AND CLANCONAL. (<i>Elected for Ireland.</i>) | GUSTAVUS FREDERICK Lord BRANGEPETH. (<i>Viscount Boyne.</i>) |
| VICTOR ALEXANDER Lord ELGIN. (<i>Earl of Elgin and Kincardine.</i>) | DUNCAN Lord COLONSAY. |
| WILLIAM HENRY FORESTER Lord LONDSE-BOROUGH. | HUGH MAC CALMONT Lord CAIRNS. |
| SAMUEL JONES Lord OVERSTONE. | JOHN Lord KESTEVEN. |
| CHARLES ROBERT CLAUDE Lord TRURO. | JOHN Lord ORMATHWAITE. |
| — Lord DE FREYNE. | BROOK WILLIAM Lord FITZWALTER. |
| EDWARD BURTENSHAW Lord SAINT LEONARDS. | WILLIAM Lord O'NEILL. |
| RICHARD HENRY FITZ-ROY Lord RAGLAN. | ROBERT CORNELIS Lord NAPIER. |
| GILBERT HENRY Lord AVELAND. | EDWARD ANTHONY JOHN Lord GORMAN-STON. (<i>Viscount Gormanston.</i>) |
| VALENTINE AUGUSTUS Lord KENMARE. (<i>Earl of Kenmare.</i>) | WILLIAM PAGE Lord HATHERLEY. (<i>In another Place as Lord Chancellor.</i>) |
| RICHARD BICKERTON PEMELL Lord LYONS. | JOHN LAIRD MAIR Lord LAWRENCE. |
| EDWARD Lord BELPER. | JAMES PLAISTED Lord PENZANCE. |
| JAMES Lord TALBOT DE MALAHIDE. | JOHN Lord DUNNING. (<i>Lord Rollo.</i>) |
| ROBERT Lord EBURY. | JAMES Lord BALINHARD. (<i>Earl of Southesk.</i>) |
| JAMES Lord SKENE. (<i>Earl Fife.</i>) | WILLIAM Lord HARE. (<i>Earl of Listowel.</i>) |
| WILLIAM GEORGE Lord CHESHAM. | EDWARD GEORGE Lord HOWARD OF GLOSSOP. |
| FREDERIC Lord CHELMSFORD. | JOHN Lord CASTLETOWN. |
| JOHN Lord CHURSTON. | JOHN EMERICH EDWARD Lord ACTON. |
| JOHN CHARLES Lord STRATHSPEY. (<i>Earl of Seafield.</i>) | THOMAS JAMES Lord ROBARTES. |
| HENRY Lord LECONFIELD. | GEORGE CARR Lord WOLVERTON. |
| WILLIAM TATTON Lord EGERTON. | FULKE SOUTHWELL Lord GREVILLE. |
| CHARLES MORGAN ROBINSON Lord TRE-DEGAR. | CHARLES WILLIAM Lord KILDARE. |
| ROBERT VERNON Lord LYVEDEN. | THOMAS Lord O'HAGAN. |
| WILLIAM Lord BROUGHTON AND VAUX. | JOHN Lord LISGAR. |
| RICHARD Lord WESTBURY. | WILLIAM HENRY LYTTON EARLE Lord DALLING AND BULWER. |
| FRANCIS WILLIAM FITZHARDINGE Lord FITZHARDINGE. | WILLIAM ROSE Lord SANDHURST. |
| HENRY Lord ANNALY. | JOHN ARTHUR DOUGLAS Lord BLOOMFIELD |
| RICHARD MONCKTON Lord HOUGHTON. | FREDERIC Lord BLACKFORD. |
| REGINALD WINDSOR Lord BUCKHURST. | |

LIST OF THE COMMONS.

LIST OF MEMBERS.

RETURNED FROM THE RESPECTIVE COUNTIES, CITIES, TOWNS, AND BOROUGHS, TO SERVE
IN THE TWENTIETH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN
AND IRELAND: AMENDED TO THE OPENING OF THE FOURTH SESSION ON THE
6TH DAY OF FEBRUARY, 1872.

BEDFORD COUNTY.

Francis Charles Hastings Russell.
Richard Thomas Gilpin.

BEDFORD.
James Howard,
Samuel Whitbread.

BERKS COUNTY.

Robert Loyd-Lindsay,
Richard Benyon,
John Walter.

READING.
Sir Francis Henry Goldsmith, bt.,
George John Shaw Lefevre.

WINDSOR (NEW).

Roger Eykyn.

WALLINGFORD.
Stanley Vickers.

ABINGDON.
Hon. Charles Hugh Lindsay.

BUCKINGHAM COUNTY.

Caledon George Du Pre,
Rt. hon. Benjamin Disraeli,
Nathaniel Grace Lambert.

AYLESBURY.

Nathaniel Mayer de Rothschild,
Samuel George Smith.

WYCOMBE (CHEPPING).

Hon. William Henry Pegrine Carington.

BUCKINGHAM.

Sir Harry Verney, bt.

MARLOW (GREAT).

Thomas Owen Wethered.

CAMBRIDGE COUNTY.

Hon. Lord George John Manners,
Hon. Viscount Royston.
Rt. hon. Henry Bouvierie William Brand.

CAMBRIDGE (UNIVERSITY).

Rt. hon. Spencer Horatio Walpole,
Alexander James Beresford Beresford Hope.

CAMBRIDGE.

Robert Richard Torrens,
William Fowler.

EAST CHESHIRE.

William John Legh,
William Cunliffe Brooks.

MID CHESHIRE.

Hon. Wilbraham Egerton,
George Cornwall Legh.

WEST CHESHIRE.

Sir Philip de Malpas Grey Egerton, bt.,

MACCLESFIELD.

William Coare Brocklehurst,
David Chadwick.

STOCKPORT.

William Tipping,
John Benjamin Smith.

BIRKENHEAD.

John Laird.

CHESTER.

Henry Cecil Raikes,
Hon. Norman Grosvenor.

CORNWALL COUNTY.

(*Eastern Division.*)
Sir John Salusbury Trellawny, bt.,
Edward William Brydges Willyams.

(*Western Division.*)

John Saint Aubyn,
Arthur Pendarves Vivian.

TRURO.

Sir Frederick Martin Williams, bt.,
James Macnaghten Hogg.

PENRYN AND FALMOUTH.

Robert Nicholas Fowler,
Edward Backhouse Eastwick.

BODMIN.

Hon. Edward Frederic Leveson-Gower.

LAUNCESTON.

Henry Charles Lopes.

LISKEARD.

Rt. hon. Edward Horsman.

HELSTON.

Adolphus William Young.

ST. IVES.

Charles Magniac.

CUMBERLAND COUNTY.

(*Eastern Division.*)
William Nicholson Hodgson,

Hon. Charles Wentworth George Howard.

(*Western Division.*)
Henry Lowther,
Hon. Percy Scawen Wyndham.

List of

{ COMMONS, 1872 }

Members.

| |
|---|
| CARLISLE. |
| Sir Wilfrid Lawson, bt., |
| Edmund Potter. |
| COCKERMOUTH. |
| Isaac Fletcher. |
| WHITEHAVEN. |
| George Augustus Frederick Cavendish Bentinck. |

| |
|------------------------------|
| DERBY COUNTY. |
| (North Derbyshire.) |
| Lord George Henry Cavendish, |
| Augustus Peter Arkwright. |
| (South Derbyshire.) |
| Rowland Smith, |
| Henry Wilmot. |
| (East Derbyshire.) |
| Hon. Francis Egerton, |
| Hon. Henry Strutt. |
| DERBY. |
| Michael Thomas Bass, |
| Samuel Plimsoll. |

| |
|---|
| DEVON COUNTY. |
| (North Devonshire.) |
| Rt. hon. Sir Stafford Henry Northcote, bt., |
| Thomas Dyke Acland. |
| (East Devonshire.) |
| Sir Lawrence Palk, bt., |
| John Henry Kennaway. |
| (South Devonshire.) |
| Sir Massey Lopes, bt., |
| Samuel Trehawke Keke- wich. |
| TIVERTON. |
| Hon. George Denman, |
| John Heathcoat-Amory. |
| PLYMOUTH. |
| Walter Morrison, |
| Edward Bates. |
| BARNSTAPLE. |
| Thomas Cave, |
| Charles Henry Williams. |
| DEVONPORT. |
| John Delaware Lewis, |
| Montague Chambers. |
| TAVISTOCK. |
| Arthur John Edward Russell. |
| EXETER. |
| Sir John Duke Coleridge, knt., |
| Edgar Alfred Bowring. |
| RE |

| |
|---|
| DORSET COUNTY. |
| Hon. William Henry Berkeley Portman, |
| Henry Gerard Sturt, |
| John Floyer. |
| WEYMOUTH AND MELCOMBE REGIS. |
| Charles Joseph Theophilus Hambro, |
| Henry Edwards. |
| DORCHESTER. |
| Charles Napier Sturt. |
| BRIDPORT. |
| Thomas Alexander Mitchell. |
| SHAFESBURY. |
| Hon. George Grenfell Glyn. |
| WAREHAM. |
| John Samuel Wanley Sawbridge Erle Drax. |
| POOLE. |
| Arthur Edward Guest. |
| DURHAM COUNTY. |
| (Northern Division.) |
| George Elliot, |
| Sir Hedworth Williamson, bt. |
| (Southern Division.) |
| Joseph Whitwell Pease, |
| Frederick Edward Blackett Beaumont. |
| DURHAM (CITY). |
| John Henderson, |
| John Lloyd Wharton. |
| SUNDERLAND. |
| John Candlish, |
| Edward Temperley Gourley. |
| GATESHEAD. |
| Rt. hon. Sir William Hutt. |
| SHIELDS (SOUTH). |
| James Cochran Stevenson. |
| DARLINGTON. |
| Edmund Backhouse. |
| HARTLEPOOL. |
| Ralph Ward Jackson. |
| STOCKTON. |
| Joseph Dodds. |
| ESSEX COUNTY. |
| (West Essex.) |

| |
|---|
| Sir Henry John Selwin-Ibbetson, bt., |
| Lord Eustace Henry Brownlow Gascoyne-Cecil. |
| HEREFORD. |
| George Arbuthnot, |
| Chandos Wren-Hoakyns. |
| LEOMINSTER. |
| Richard Arkwright. |

*List of***{COMMONS, 1872}***Members.***HERTFORD COUNTY.**

Hon. Henry Frederick Cowper,
Henry Robert Brand,
Abel Smith.

HERTFORD.

Robert Dimsdale.

HUNTINGDON**COUNTY.**

Edward Fellowes,
Rt. hon. Lord Robert Montagu.

HUNTINGDON.

Thomas Baring.

KENT COUNTY.*(Eastern Division.)*

Edward Leigh Pemberton,
Hon. George Watson Milles.

(West Kent.)

Charles Henry Mills,
John Gilbert Talbot.
(Mid Kent.)
William Hart Dyke,
Hon. William Archer (Amherst) Viscount Holmesdale.

ROCHESTER.

Philip Wykeham-Martin,
Julian Goldsmid.

MAIDSTONE.

James Whitman,
Sir John Lubbock, bt.

GREENWICH.

Sir David Salomons, bt.,
Rt. hon. William Ewart Gladstone.

CHATHAM.

Arthur John Otway.

GRAVESEND.

Sir Charles Wingfield.

CANTERBURY.

Henry Alexander Butler-Johnstone,
Theodore Henry Brinckman.

LANCASTER COUNTY.*(North Lancashire.)*

Hon. Frederick Arthur Stanley,
Rt. hon. John Wilson-Patten.

(North-east Lancashire.)

James Maden Holt,
John Pierce Chamberlain Starkie.

LANCASTER COUNTY—cont.

(South-east Lancashire.)
Hon. Algernon Fulke Egerton,
John Snowdon Henry.

(South-west Lancashire.)

Charles Turner,
Richard Assheton Cross.

LIVERPOOL.

Samuel Robert Graves,
Viscount Sandon,
William Rathbone.

MANCHESTER.

Hugh Birley,
Sir Thomas Bazley, bt.,
Jacob Bright.

PRESTON.

Edward Hermon,
Sir Thomas George Fermor Hesketh, bt.

WIGAN.

Henry Woods,
John Lancaster.

BOLTON.

John Hick,
William Gray.

BLACKBURN.

Henry Master Feilden,
Edward Kenworthy Hornby.

OLDHAM.

John Tomlinson Hibbert,
John Platt.

SALFORD.

Charles Edward Cawley,
William Thomas Charley.

ASHTON-UNDER-LYNE.

Thomas Walton Mellor.

BURY.

Robert Needham Philips.

CLITHEROE.

Ralph Assheton.

ROCHDALE.

Thomas Bayley Potter.

WARRINGTON.

Peter Rylands.

BURNLEY

Richard Shaw.

STALEYBRIDGE.

Nathaniel Buckley.

LEICESTER COUNTY.*(Northern Division.)*

Rt. hon. Lord John James
Robert Manners,
Samuel William Clowes.

(Southern Division.)

Albert Pell,
William Unwin Heygate.

LEICESTER.

Peter Alfred Taylor,
John Dove Harris.

LINCOLN COUNTY.

(North Lincolnshire.)
Sir Montague John Cholmeley, bt.,
Rowland Winn.

(Mid Lincolnshire.)
Weston Cracroft-Amcotts,
Henry Chaplin.

(South Lincolnshire.)

William Earle Welby,
Edmund Turnor.

GRANTHAM.

Hon. Frederick James Tollemache,
Hugh Arthur Henry Cholmeley.

BOSTON.

John Wingfield Malcolm,
Thomas Collins.

STAMFORD.

Sir John Charles Dalrymple Hay, bt.

GRIMSBY (GREAT).

George Tomline.

LINCOLN.

Charles Seely,
John Hinde Palmer.

MIDDLESEX COUNTY.

Hon. George Henry Charles (Byng) Viscount Enfield,
Lord George Francis Hamilton.

WESTMINSTER.

Hon. Robert Wellesley Grosvenor,

William Henry Smith.

TOWER HAMLETS.

Rt. hon. Acton Simeon Ayrton,
Joseph D'Aguilar Samuda.

HACKNEY.

Charles Reed,
John Holms.

FINSBURY.

William Torrens McCullagh Torrens,
Andrew Lusk.

MARYLEBONE.

John Harvey Lewis,
Thomas Chambers.

CHELSEA.

Sir Charles Wentworth Dilke, bt.,
Sir Henry Ainslie Hoare, bt.

*List of***(COMMONS, 1872)***Members.*

| | | |
|---|--|---|
| LONDON (UNIVERSITY). | NORTHUMBERLAND COUNTY —cont. | WOODSTOCK. |
| Rt. hon. Robert Lowe. | (<i>Southern Division.</i>) Wentworth Blackett Beaumont, | Henry Barnett. |
| LONDON. | Hon. Henry George Liddell. | BANBURY. |
| Rt. hon. George Joachim Goschen, | MORPETH. | Bernhard Samuelson. |
| Robert Wygram Crawford, | Rt. hon. Sir George Grey, bt. | |
| William Lawrence, | TYNEMOUTH. | |
| Baron Lionel Nathan de Rothschild. | Thomas Eustace Smith. | |
| MONMOUTH COUNTY. | NEWCASTLE-UPON-TYNE. | RUTLAND COUNTY. |
| Charles Octavius Swinner-ton Morgan, | Rt. hon. Thomas Emerson Headlam, | Hon. Gerard James Noel, |
| Hon. Lord Henry Richard Charles Somerset. | Joseph Cowen. | George Henry Finch. |
| MONMOUTH. | BERWICK-UPON-TWEED. | |
| Sir John William Rams-den, bt. | Rt. hon. Thomas Coutts (Keppel) Viscount Bury, | SALOP COUNTY. |
| NORFOLK COUNTY. (<i>West Norfolk.</i>) | John Stapleton. | (<i>Northern Division.</i>) |
| Sir William Bagge, bt., | NOTTINGHAM COUNTY. | John Ralph Ormaby-Gore, |
| George William Pierrepont Bentinck. | (<i>Northern Division.</i>) | Hon. Orlando George |
| (<i>North Norfolk.</i>) | Rt. hon. John Evelyn Denison, | Charles (Bridgeman) Vis- |
| Hon. Frederick Walpole, | Frederick Chatfield Smith. | count Newport. |
| Sir Edmund Henry Knowles Lacon, bt. | (<i>Southern Division.</i>) | (<i>Southern Division.</i>) |
| (<i>South Norfolk.</i>) | William Hodgson Barrow, | Rt. hon. Sir Percy Egerton |
| Sir Robert Jacob Buxton, bt | Thomas Blackborne Thoro-ton Hildyard. | Herbert, |
| Clare Sewell Read. | NEWARK-UPON-TRENT. | Edward Corbett. |
| KING'S LYNN. | Grosvenor Hodgkinson, | SHREWSBURY. |
| Ho. Robert Bourke, | Samuel Boteler Bristow. | James Figgins, |
| Rt. hon. Lord Claud John Hamilton. | RET福德 (EAST). | Douglas Straight. |
| NORWICH. | Rt. hon. George Edward Arundell (Monckton-A-rundell) Viscount Gal-way, | WENLOCK. |
| Sir William Russell, bt., | Francis John Savile Fol-jambe. | Rt. hon. George Cecil Weld |
| Jeremiah James Colman. | NOTTINGHAM. | Forester, |
| NORTHAMPTON COUNTY. (<i>Northern Division.</i>) | Charles Seely, jun., | Alexander Hargreaves |
| Rt. hon. George Ward Hunt, | Hon. Auberon Edward Wil-liam Molyneux Herbert. | Brown. |
| Sackville George Stopford-Sackville. | OXFORD COUNTY. | LUDLOW. |
| (<i>Southern Division.</i>) | Rt. hon. Joseph Warner Henley, | Hon. George Herbert |
| Sir Rainald Knightley, bt., | John Sidney North, | Windsor Windsor-Clive. |
| Fairfax Willian Cartwright. | William Cornwallis Cartwright. | BRIDGNORTH. |
| PETERBOROUGH. | OXFORD (UNIVERSITY). | William Henry Foster. |
| William Wells, | Rt. hon. Gathorne Hardy, | SOMERSET COUNTY. |
| George Hammond Whalley. | Rt. hon. John Robert Mow-bray. | (<i>East Somerset.</i>) |
| NORTHAMPTON. | OXFORD (CITY). | Ralph Shuttleworth Allen, |
| Charles Gilpin, | Rt. hon. Edward Cardwell, | Richard Bright. |
| Rt. hon. Anthony Henley (Henley) Lord Henley. | William George Granville Venables Vernon-Har- | (<i>Mid Somerset.</i>) |
| NORTHUMBERLAND COUNTY. (<i>Northern Division.</i>) | court. | Ralph Neville-Grenville, |
| Rt. hon. George (Percy) Earl Percy, | | Richard Horner Paget. |
| Matthew White Ridley. | | (<i>West Somerset.</i>) |
| | | William Henry Powell Gore-Langton, |
| | | Hon. Arthur Wellington Alexander Nelson Hood. |
| | | BATH. |
| | | Sir William Tite, bt., |
| | | Donald Dalrymple. |
| | | TAUNTON. |
| | | Alexander Charles Barclay, |
| | | Henry James. |
| | | BRIDGWATER. |
| | | FROME. |
| | | Thomas Hughes. |
| | | BRISTOL. |
| | | Samuel Morley, |
| | | Kirkman Daniel Hodgson. |

*List of***[COMMONS, 1872]***Members.*

| | | |
|---|--|--|
| SOUTHAMPTON COUNTY. <i>(Northern Division.)</i> William Wither Bramston Beach, George Slater-Booth. <i>(Southern Division.)</i> Rt. hon. William Francis Cowper-Temple, Lord Henry John Montagu-Douglas-Scott. WINCHESTER. William Barrow Simonds, John Bonham-Carter. PORTSMOUTH. Sir James Dalrymple-Horn-Elphinstone, bt., William Henry Stone. LYMINGTON. Hon. Lord George Charles Gordon Lennox. ANDOVER. Hon. Dudley Francis Forescue. CHRISTCHURCH. Edmund Haviland Burke. PETERSFIELD. William Nicholson. SOUTHAMPTON. Rt. hon. Russell Gurney, Peter Merrick Hoare. | WALSALL. Charles Forster. WEDNESBURY. Alexander Brogden. LICHFIELD. Richard Dyott. | BRIGHTHELMSTONE. James White, Henry Fawcett. CHICHESTER. Hon. Lord Henry George Charles Gordon Lennox. LEWES. Hon. Walter John (Pelham) Lord Pelham. HORSHAM. Robert Henry Hurst, MIDHURST. William Townley Mitford. |
| STAFFORD COUNTY. <i>(North Staffordshire.)</i> Rt. hon. Sir Charles Bowyer Adderley, Sir Edward Manningham Buller, bt. <i>(West Staffordshire.)</i> Sir Smith (Child, bt., Francis Monckton. <i>(East Staffordshire.)</i> Michael Arthur Bass, John Robinson M'Clean. STAFFORD. Hon. Reginald Arthur James Talbot, Thomas Salt. TAMWORTH. Rt. hon. Sir Robert Peel, bt., John Peel. NEWCASTLE-UNDER-LYME. Sir Edmund Buckley, bt., William Shepherd Allen. WOLVERHAMPTON. Rt. hon. Charles Pelham Villiers, Thomas Matthias Weguelin. STOKE-UPON-TRENT. George Melly, William Sergeant Roden. | SUFFOLK COUNTY. <i>(Eastern Division.)</i> Frederick Snowden Corrance, Hon. Arthur Philip Henry (Stanhope) Viscount Mahon. <i>(Western Division.)</i> Windsor Parker, Hon. Lord Augustus Henry Charles Hervey. IPSWICH. Hugh Edward Adair, Henry Wyndham West. BURY ST. EDMUNDS. Edward Greene, Joseph Alfred Hardcastle. EYE. Rt. hon. George William (Barrington) Viscount Barrington. | WARWICK COUNTY. <i>(Northern Division.)</i> Charles Newdigate Newdegate, William Bromley Davenport. <i>(Southern Division.)</i> Henry Christopher Wise, John Hardy. BIRMINGHAM. Rt. hon. John Bright, George Dixon, Philip Henry Muntz. WARWICK. Arthur Wellesley Peel, Edward Greaves. COVENTRY. Henry William Eaton, Alexander Staveley Hill. WESTMORELAND COUNTY. Hon. Thomas (Taylour) Earl of Bective, William Lowther. KENDAL. John Whitwell. (WIGHT) ISLE OF WIGHT. Alexander Dundas Wishart Ross Baillie Cochrane. NEWPORT, ISLE OF WIGHT. Charles Cavendish Clifford. WILTS COUNTY. <i>(Northern Division.)</i> Sir George Samuel Jenkinson, bt., Hon. Lord Charles William Brudenell-Bruce. <i>(Southern Division.)</i> Hon. Lord Henry Frederick Thynne, Thomas Fraser Grove. NEW SARUM (SALISBURY). John Alfred Lush, Alfred Seymour. |
| SUSSEX COUNTY. <i>(Eastern Division.)</i> John George Dodson, George Burrow Gregory. <i>(Western Division.)</i> Walter Barttelot Barttelot, Hon. Charles Henry (Gordon Lennox) Earl of March. SHOREHAM (NEW). Rt. hon. Stephen Cave, Sir Percy Burrell, bt. | | |

List of

(COMMONS, 1872)

Members.

| | | |
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| CRICKLADE. | YORK COUNTY—cont. | KINGSTON-UPON-HULL. |
| Sir Daniel Gooch, bt., Hon. Frederick William Cadogan. | (<i>West Riding, Southern Division.</i>) Hon. William (Wentworth- FitzWilliam) Viscount Milton, | Charles Morgan Norwood, James Clay. |
| DEVIZES. | Henry Frederick Beaumont. | BARONS OF THE CINQUE PORTS. |
| Sir Thomas Bateson, bt. MARLBOROUGH. | LEEDS. | DOVER. |
| Rt. hon. Lord Ernest Au- gustus Charles Brude- nall-Bruce. | Edward Baines, Robert Meek Carter, William Saint - James Wheelhouse. | Alexander George Dickson, George Jessel. |
| CHIPPENHAM. | BEVERLEY. | HASTINGS. |
| Gabriel Goldney. CALNE. | PONTEFRACT. | Thomas Brassey, Ughtred James Kay-Shut- tsworth. |
| Lord Edmond Fitzmaurice. MALMESBURY. | Rt. hon. Hugh Culling Eardley Childers, Samuel Waterhouse. | SANDWICH. |
| Walter Powell. WESTBURY. | SCARBOROUGH. | Edward Hugessen Knatch- bull-Hugessen, Henry Arthur Brassey. |
| Charles Paul Phipps. WILTON. | John Dent Dent, Sir Harcourt Johnstone, bt. | HYTHE. |
| Sir Edmund Antrobus, bt. | SHEFFIELD. | Baron Mayer Amschel de Rothschild. |
| WORCESTER COUNTY. (<i>Eastern Division.</i>) | George Hadfield, Anthony John Mundella. | RYE. |
| Richard Paul Amphlett, Hon. Charles George Lytton- ton. | BRADFORD. | John Stewart Hardy. |
| (<i>Western Division.</i>) | Rt. hon. William Edward Forster, Edward Miall. | WALES. |
| Frederick Winn Knight, William Edward Dowdes- well. | HALIFAX. | ANGLESEA COUNTY. |
| EVESHAM. | Rt. hon. James Stansfeld, Edward Akroyd. | Richard Davies. |
| James Bourne. DROITWICH. | KNARESBOROUGH. | BEAUMARIS. |
| Rt. hon. Sir John Somerset Pakington, bt. | Alfred Illingworth. | Hon. William Owen Stan- ley. |
| BEWDLEY. | MALTON. | BRECKNOCK COUNTY. |
| Hon. Augustus Henry Archibald Anson. | Hon. Charles William Wentworth-Fitzwilliam. | Hon. Godfrey Charles Mor- gan. |
| DUDLEY. | RICHMOND. | BRECKNOCK. |
| Henry Brinsley Sheridan. KIDDERMINSTER. | Sir Roundell Palmer, knt. | James Price Gwynne Hol- ford. |
| Thomas Lea. WORCESTER. | RIPON. | CARDIGAN COUNTY. |
| William Laslett, Alexander Clunes Sherriff. | Rt. hon. Sir Henry Knight Storks, G.C.B. | Evan Mathew Richards. |
| YORK COUNTY. (<i>North Riding.</i>) | HUDDERSFIELD. | CARDIGAN, &c. |
| Hon. Octavius Duncombe, Frederick Accom Milbank. | Edward Aldam Leatham. | Sir Thomas Davies Lloyd, bt. |
| (<i>East Riding.</i>) | THIRSK. | CARMARTHEN COUNTY. |
| Christopher Sykes, William Henry Harrison Broadley. | Sir William Payne Gall- wey, bt. | Edward John Sartoris, John Jones. |
| (<i>West Riding, Northern Division.</i>) | NORTHALLERTON. | CARMARTHEN, &c. |
| Hon. Lord Frederick Charles Cavendish, | John Hutton. | John Stepney Cowell- Stepney. |
| (<i>West Riding, Eastern Division.</i>) | WAKEFIELD. | CARNARVON COUNTY. |
| Christopher Beckett Denison, Joshua Fielden. | Somerset Archibald Beau- mont. | Thomas Love Duncombe Jones-Parry. |
| | WIIITBY. | CARNARVON, &c. |
| | William Henry Gladstone. | William Bulkeley Hughes. |
| | YORK CITY. | DENBIGH COUNTY. |
| | James Lowther, George Leeman. | Sir Watkin Williams Wynn, bt., |
| | MIDDLESBOROUGH. | George Osborne Morgan. |
| | Henry William Ferdinand Bolckow. | DENBIGH, &c. |
| | DEWSBURY. | Watkin Williams. |
| | John Simon. | FLINT COUNTY. |
| | | Hon. Lord Richard de Aquila Grosvenor. |

List of

(COMMONS, 1872)

Members.

| | | |
|--|---|---|
| FLINT, &c. | BUTE. | GLASGOW. |
| Sir John Hanmer, bt. | Charles Dalrymple. | Robert Dalglish, |
| GLAMORGAN COUNTY. | CAITHNESSSHIRE. | William Graham, |
| Christopher Rice Mansel | Sir John George Tollemache, Sinclair, bt. | George Anderson. |
| Talbot, | WICK, KIRKWALL, &c. | UNIVERSITIES OF GLASGOW AND ABERDEEN. |
| Henry Hussey Vivian. | CLACKMANNAN AND KINROSS. | Edward Strathearn Gordon LINLITHGOW. |
| MERTHYR TYDVIL. | William Patrick Adam. | Peter McLagan. |
| Henry Richard, | DUMBARTON. | ORKNEY AND SHETLAND. |
| Richard Fothergill. | Archibald Orr Ewing. | Frederick Dundas. |
| CARDIFF, &c. | DUMFRIESSHIRE. | PEEBLES AND SELKIRK. |
| James Frederick Dudley | George Gustavus Walker. | Sir Graham Graham Montgomery, bt. |
| Crichton-Stuart. | DUMFRIES, &c. | PERTH. |
| SWANSEA, &c. | Robert Jardine. | Charles Stuart Parker. |
| Lewis Llewelyn Dillwyn. | EDINBURGHSHIRE. | TOWN OF PERTH. |
| MERIONETH COUNTY. | Sir Alexander Charles Ramsay Gibson-Maitland, bt. | Hon. Arthur FitzGerald Kinnaid. |
| Samuel Holland. | EDINBURGH. | RENFREWSHIRE. |
| MONTGOMERY COUNTY. | Dunecan McLaren, | Rt. hon. Henry Austin Bruce. |
| Charles Watkin Williams Wynn. | John Miller. | PAISLEY. |
| MONTGOMERY. | UNIVERSITIES OF EDINBURGH AND ST. ANDREWS. | Humphrey Ewing Crum-Ewing. |
| Hon. Charles Douglas | Lyon Playfair. | GREENOCK. |
| Richard Hanbury-Tracy. | BURGHS OF LEITH, &c. | James Johnstone Grieve. |
| PEMBROKE COUNTY. | Robert Andrew Macfie. | ROSS AND CROMARTY. |
| John Henry Seourtfield. | ELGIN AND NAIRN. | Alexander Matheson. |
| PEMBROKE. | Hon. James Grant. | ROXBURGH. |
| Thomas Mervielk. | BURGHS OF ELGIN, &c. | Most noble James Henry Robert (Innes-Ker) Marquess of Bownmont. |
| NAVERFORDWEST. | Mountstuart Elphinstone Grant Duff. | HAWICK, SELKIRK, &c. |
| Hon. William Edwardes. | FIFE. | George Otto Trevelyan. |
| RADNOR COUNTY. | Sir Robert Anstruther, bt. | STIRLING. |
| Hon. Arthur Walsh. | BURGHS OF ST. ANDREWS. | John Elphinstone Erskine. |
| NEW RADNOR. | Edward Ellice. | STIRLING, &c. |
| Rt. hon. Spencer Compton (Cavendish) Marquess of Hartington. | KIRKCALDY, DYSART, &c. | Henry Campbell. |
| SCOTLAND. | Roger Sinclair Aytoun. | LINLITHGOW, LANARK, &c. |
| ABERDEEN. | FORFAR. | James Merry. |
| (East Aberdeenshire.) | Hon. Charles Carnegie. | SUTHERLAND. |
| William Dingwall Fordyce. | TOWN OF DUNDEE. | Rt. hon. Lord Ronald Sutherland Leveson-Gower. |
| (West Aberdeenshire.) | George Armitstead, | WIGTON. |
| William McCombie. | Sir John Ogilvy, bt. | Hon. Alan Plantagenet (Stewart) Lord Garlies. |
| ABERDEEN. | MONTROSE, &c. | WIGTON, &c. |
| William Henry Sykes. | William Edward Baxter. | George Young. |
| ARGYLE. | HADDINGTON. | IRELAND. |
| Most noble John Douglas Sutherland (Campbell) Marquess of Lorne. | Hon. Francis Wemyss (Charteris) Lord Elcho. | ANTRIM COUNTY. |
| AYR. | HADDINGTON BURGHS. | Hon. Edward O'Neill, |
| (North Ayrshire.) | Sir Henry Robert Ferguson Davie, bt. | Hugh de Grey Seymour. |
| William Finnie. | INVERNESS. | BELFAST. |
| (South Ayrshire.) | Donald Cameron. | William Johnston, |
| Sir David Wedderburn, bt. | INVERNESS, &c. | Thomas McClure, |
| KILMARNOCK, RENFREW, &c. | Eneas William Mackintosh. | LISBURN. |
| Rt. hon. Edward Pleydell Bouvierie. | KINCARDINESHIRE. | Edward Wingfield Verner. |
| BURGHS OF AYR, &c. | James Dyce Nicol. | CARRICKFERGUS. |
| Edward Henry John Craufurd. | KIRKCUDBRIGHT. | Marriott Robert Dalway. |
| BANFF. | Wellwood Herries Maxwell. | ARMAGH COUNTY. |
| Robert William Duff. | LANARK. | Sir James Matthew Stronge, bt., |
| BERWICK. | (North Lanarkshire.) | William Verner. |
| David Robertson. | Sir Thomas Edward Colebrooke, bt. | |
| | (South Lanarkshire.) | |
| | John Glencairn Carter Hamilton. | |

List of

{COMMONS, 1872}

Members.

| | | |
|--|--|---|
| ARMAGH (CITY). | GALWAY COUNTY. | MEATH COUNTY. |
| John Vance. | Mitchell Henry, | Edward MacEvoy, |
| CARLOW COUNTY. | | John Martin. |
| Henry Bruen, | GALWAY (BOROUGH). | MONAGHAN COUNTY. |
| Arthur MacMurrough Kavanagh. | William Ulick Tristram (St. Lawrence) Viscount St. Lawrence, | Sewallis Evelyn Shirley, |
| CARLOW (BOROUGH). | Sir Rowland Blennerhassett, bt. | John Leslie. |
| William Addis Fagan. | KERRY. | QUEEN'S COUNTY. |
| CAVAN COUNTY. | Henry Arthur Herbert, | Kenelm Thomas Digby, |
| Hon. Hugh Annesley, | TRALEE. | Edmund Dease. |
| Edward Saunderson. | Daniel O'Donoghue, (The O'Donoghue). | PORTARLINGTON. |
| CLARE COUNTY. | Rt. hon. William Henry Ford Cogan, | Hon. Lionel Seymour |
| Crofton Moore Vandeleur, | Rt. hon. Lord Otho Augustus Fitz-Gerald. | William Dawson-Damer. |
| Rt. hon. Sir Colman Michael O'Loghlen, bt. | KILDARE. | ROSCOMMON COUNTY. |
| ENNIS. | Rt. hon. William Henry Ford Cogan, | Rt. hon. Fitzstephen French, |
| William Stacpoole. | Rt. hon. Lord Otho Augustus Fitz-Gerald. | Charles Owen O'Conor (The O'Conor Don). |
| CORK COUNTY. | KILKENNY. | SLIGO COUNTY. |
| McCarthy Downing, | George Leopold Bryan, | Denis Maurice O'Conor, |
| Arthur Hugh Smith Barry. | Hon. Leopold G. F. Agar-Ellis. | Sir Robert Gore Booth, bt. |
| BANDON BRIDGE. | KILKENNY (CITY). | SLIGO (BOROUGH). |
| William Shaw. | Sir John Gray, knt. | TIPPERARY COUNTY. |
| YOUGHAL. | KING'S COUNTY. | Hon. Charles White, |
| Montague John Guest | Sir Patrick O'Brien, bt., | Denis Caulfield Heron. |
| KINSALE. | David Sherlock. | CASHEL. |
| Sir George Conway Colthurst, bt. | LEITRIM COUNTY. | CLONMEL. |
| MALLOW. | William Richard Ormsby-Gore, | John Bagwell. |
| George Waters. | John Brady. | TYRONE COUNTY. |
| CORK (CITY). | LIMERICK COUNTY. | Rt. hon. Henry Thomas Lowry-Corry, |
| John Francis Maguire, | Rt. hon. William Monsell, | Rt. hon. Lord Claud Hamilton. |
| Nicholas Daniel Murphy. | Edmund John Synan. | DUNGANNON. |
| DONEGAL COUNTY. | LIMERICK (CITY). | Hon. William Stuart Knox. |
| Thomas Conolly, | George Gavin, | WATERFORD COUNTY. |
| Hon. James (Hamilton) | LONDONDERRY COUNTY. | Sir John Esmonde, bt. |
| Marquess of Hamilton. | Robert Peel Dawson, | Edmond de la Poer. |
| DOWN COUNTY. | Sir Frederick William Heygate, bt. | DUNGARVAN. |
| Hon. Lord Arthur Edwin Hill-Trevor, | COLERAINE. | Henry Matthews. |
| William Brownlow Forde. | Sir Henry Hervey Bruce, bt. | WATERFORD (CITY). |
| NEWRY. | LONDONDERRY (CITY). | James Delahunt, |
| Hon. Francis Charles (Needham) Viscount Newry. | Richard Dowse. | Ralph Osborne. |
| DOWNPATRICK. | LONGFORD COUNTY. | WESTMEATH COUNTY. |
| William Keown. | Myles William O'Reilly, | Hon. Algernon William Fulke Greville, |
| DUBLIN COUNTY. | Hon. George Frederick Nugent Greville-Nugent. | Patric James Smyth. |
| Rt. hon. Thomas Edward Taylor, | LOUTII COUNTY. | ATHLONE. |
| Ion Trant Hamilton. | Rt. hon. Chichester Samuel Parkinson Fortescue, | John James Ennis. |
| DUBLIN (CITY). | Matthew O'Reilly-Dease. | WEXFORD COUNTY. |
| Jonathan Pim, | DUNDALK. | Matthew Peter D'Arcy, |
| Sir Dominic John Corrigan, bt. | Philip Callan. | John Talbot Power. |
| DUBLIN UNIVERSITY. | DROGHEDA. | WEXFORD (BOROUGH). |
| Rt. hon. John Thomas Ball, | Thomas Whitworth. | Richard Joseph Devereux. |
| Hon. David Robert Plunket. | MAYO COUNTY. | NEW ROSS. |
| FERMANAGH. | Hon. George (Bingham) Lord Bingham, | Patrick McMahon. |
| Mervyn Edward Archdall, | George Ekins Browne. | WICKLOW COUNTY. |
| Hon. Henry Arthur Cole. | | William Wentworth Fitzwilliam Dick, |
| ENNISKILLEN. | | Hon. Henry William Wentworth Fitzwilliam. |
| John Henry (Crichton) | | |
| Viscount Crichton. | | |

HANSARD'S PARLIAMENTARY DEBATES,

IN THE

FOURTH SESSION OF THE TWENTIETH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 10 DECEMBER, 1868, AND THENCE
CONTINUED TILL 6 FEBRUARY, 1872, IN THE THIRTY-
FIFTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, 6th February, 1872.

THE PARLIAMENT, which had been Prorogued successively from the 21st day of August, 1871, thence to the 7th day of November, thence to the 27th day of December, thence to the 6th day of February, 1872; met this day for Despatch of Business.

The Session of PARLIAMENT was opened by Commission.

The HOUSE OF PEERS being met—

THE LORD CHANCELLOR acquainted the House,

"That it not being convenient for Her Majesty to be personally present here this day, She has been pleased to cause a Commission under the Great Seal to be prepared, in order to the holding of this Parliament."

VOL. CCLX. [THIRD SERIES.]

Then five of the Lords Commissioners, namely — The LORD CHANCELLOR, The LORD PRESIDENT OF THE COUNCIL (The Marquess of Ripon), The LORD PRIVY SEAL (The Viscount Halifax), The LORD CHAMBERLAIN OF THE HOUSEHOLD (The Viscount Sydney), The LORD STEWARD OF THE HOUSEHOLD (The Earl of Bessborough), being in their Robes, and seated on a Form placed between the Throne and the Woolsack, commanded the Gentleman Usher of the Black Rod to let the Commons know "The Lords Commissioners desire their immediate attendance in this House, to hear the Commission read."

Who being at the Bar, with their Speaker ;—The Commission was read by the Clerk :—Then

THE QUEEN'S SPEECH.

THE LORD CHANCELLOR *delivered* HER MAJESTY'S SPEECH to both Houses of Parliament, as follows :—

B

" My Lords, and Gentlemen,

" I avail myself of the opportunity afforded by your re-assembling for the discharge of your momentous duties to renew the expression of my thankfulness to the Almighty for the deliverance of my dear son the Prince of Wales from the most imminent danger, and of my lively recollection of the profound and universal sympathy shown by my loyal people during the period of anxiety and trial.

" I propose that on Tuesday the 27th instant, conformably to the good and becoming usage of former days, the blessing thus received shall be acknowledged on behalf of the nation by a Thanksgiving in the Metropolitan Cathedral. At this celebration it is my desire and hope to be present.

" Directions have been given to provide the necessary accommodation for the Members of the two Houses of Parliament.

" The assurances of friendship, which I receive from Foreign Powers, continue to be in all respects satisfactory. I need hardly assure you that my endeavours will at all times be steadily directed to the maintenance of these friendly relations.

" The Slave Trade, and practices scarcely to be distinguished from Slave Trading, still pursued in more than one quarter of the world, continue to attract the attention of my Government. In the South Sea Islands the name of the British Empire is even now dishonoured by the connexion of some of my subjects with these nefarious practices; and in one of them the murder of an exemplary Prelate has cast fresh light upon some of their baleful consequences. A Bill will be

presented to you for the purpose of facilitating the trial of offences of this class in Australasia; and endeavours will be made to increase, in other forms, the means of counteraction.

" Various communications have passed between my Government and the Government of France on the subject of the Commercial Treaty concluded in 1860. From a divergence in the views respectively entertained in relation to the value of Protective Laws, this correspondence has not brought about any agreement to modify that important Convention. On both sides, however, there has been uniformly declared an earnest desire that nothing shall occur to impair the cordiality which has long prevailed between the two nations.

" Papers relating to these subjects will be laid before you.

" The Arbitrators appointed pursuant to the Treaty of Washington, for the purpose of amicably settling certain claims known as the "Alabama" claims, have held their first meeting at Geneva.

" Cases have been laid before the Arbitrators on behalf of each party to the Treaty. In the Case so submitted on behalf of the United States large claims have been included which are understood on my part not to be within the province of the Arbitrators. On this subject I have caused a friendly communication to be made to the Government of the United States.

" The Emperor of Germany has undertaken to arbitrate on the San Juan Water Boundary; and the Cases of the two Governments have been presented to His Imperial Majesty.

"The Commission at Washington has been appointed, and is in session. The provisions of the Treaty which require the consent of the Parliament of Canada await its assembling.

"Turning to domestic affairs, I have to apprise you that, with very few exceptions, Ireland has been free from serious crime. Trade in that part of the United Kingdom is active, and the advance of agricultural industry is remarkable.

"I am able also to congratulate you, so far as present experience allows a judgment to be passed, upon the perceptible diminution of the number both of the graver crimes, and of habitual criminals, in Great Britain.

"Gentlemen of the House of Commons,

"The principal Estimates for the coming year have been prepared. They will at once be laid before you; and I trust that you will find them suitable to the circumstances of the country.

"The state of the Revenue affords favourable indications of the demand for employment and the general condition of the people; indications which are corroborated by a decline of pauperism not inconsiderable.

"My Lords, and Gentlemen,

"Your attention will be invited to several measures of acknowledged national interest. Among these there will be Bills for the improvement of Public Education in Scotland, for the regulation of Mines, for the amendment of what is known as the Licensing system, and in relation to the Superior Courts of Justice and Appeal.

"In particular, a Bill, having for its main object the establishment of

Secret Voting, together with a measure relating to corrupt practices at Parliamentary Elections, will be immediately presented to you.

"Several measures of administrative improvement for Ireland will also be laid before you.

"There will likewise be laid before you Legislative Provisions founded on the Report of the Sanitary Commission.

"You, my Lords and Gentlemen, will, I am confident, again apply your well-known assiduity to that work of legislation which, from the increasing exigencies of modern society, still seems to grow upon your hands. And I shall continue to rely, under Divine Providence, alike on the loyalty of my people, and on your energy and wisdom, to sustain the constant efforts of the Crown to discharge the duties, to uphold the rights, and to defend the honour of the Empire."

Then the Commons withdrew.

House adjourned during pleasure.

House resumed.

PRAYERS.

ROLL OF THE LORDS—Garter King of Arms attending, delivered at the Table (in the usual manner) a List of the Lords Temporal in the Fourth Session of the Twentieth Parliament of the United Kingdom: The same was ordered to lie on the Table.

The Lord Hastings—Sat first in Parliament after the death of his brother.

NEW PEER.

Frederick Temple, Baron Dufferin and Claneboye in that part of the United Kingdom of Great Britain and Ireland called Ireland, K.P., K.C.B., having been created Earl of Dufferin in the county of Down—Was (in the usual manner) introduced.

SELECT VESTRIES.

Bill, *pro forma*, read 1^o.

B 2

**THE QUEEN'S SPEECH—
ADDRESS IN ANSWER TO HER
MAJESTY'S MOST GRACIOUS SPEECH.**

The Queen's Speech reported by The Lord Chancellor.

EARL DE LA WARR: My Lords—In the first paragraph of the Speech which your Lordships have just heard read, and of the Address which I shall have the honour of moving in answer to it, there is one topic which, in its allusion to an event which has moved the whole nation with gratitude and joy, may fairly be said, by reason of its transcendent importance, to throw into the background every other one. The recovery of His Royal Highness the Prince of Wales has been hailed with manifestations of delight by all parties, all sects, and all creeds, throughout the widespread dominions of the British Crown, affording the strongest testimony that can be borne to the strength of that bond of loyalty which unites us all. Whatever cloud may overcast the brightness of our future, and amid all the differences of opinion and diversities of interest which exist among us at present, it may be asserted that the nation clearly discerns its star of safety—its anchor of hope—in the glorious Constitutional Monarchy under which we have the happiness to live, in the reigning Sovereign, in the Heir Apparent, and in the Illustrious Family which surrounds the Throne.

My Lords, the second paragraph in the Speech from the Throne announces the approaching celebration of a Thanksgiving for the restoration of the health of His Royal Highness—a celebration the most touching in which a Sovereign and a mother can take part; because in it Her Majesty will acknowledge her gratitude to Almighty God for the blessing vouchsafed to her. My Lords, that Thanksgiving will find a responsive echo in every English heart, because it will be one more solemn recognition of the great and eternal truth, that an overruling Providence guides, directs, and controls all human affairs.

My Lords, the Session which has its commencement to-day finds the country in the enjoyment of well-being and prosperity, which, as described in Her Majesty's Speech, is marked by a considerable diminution in pauperism and

crime. The Revenue is flourishing, trade is active, and our foreign commerce has attained such colossal proportions that it may truly challenge the wonder and admiration of the world. My Lords, there is a paragraph in the Speech from the Throne which congratulates Parliament on this happy state of things, and in the Address Her Majesty is thanked for this congratulation; but we have not yet attained the ideal position to which an anxiety for human progress and human happiness must lead us to aspire. A fact of which evidence is afforded by that portion of Her Majesty's Speech in which numerous remedial measures are announced as about to be proposed to the Legislature—so true is it that a great nation cannot rest or pause in that onward career of improvement which the interests and well-being of its citizens impel it to pursue.

My Lords, passing now from these general matters, and coming to the special topics dealt with in detail in the Speech from the Throne, your Lordships will be glad to hear that Her Majesty continues to receive assurances of friendship from all foreign Powers; and your Lordships will join in the general gratification that there is no immediate prospect of the disturbance of the public peace. The recent gigantic conflicts which convulsed Europe, while they have overthrown the old balance of power, will, perhaps, place the condition of the great communities whose destinies are more immediately affected thereby on a basis more in harmony with their feelings, wants, and aspirations. That such may be the final result of those hostilities must be the ardent desire of your Lordships. I am sure your Lordships cannot fail to look with admiration and sympathy on the heroic efforts our loyal neighbour and ally, France, is making to re-construct the fabric of that greatness which was once her heritage and birthright, and which, sooner or later, she must inevitably regain. That any difference should have arisen with respect to the Commercial Treaty, and that divergent and adverse views should be entertained of its policy by the present Government of France from those held by our Government, must be a cause of deep concern to the British nation; but these differences, turning as they do on points of commer-

cial policy, can never disturb those deeper relations of political amity and goodwill which have so long subsisted between the two nations. The denunciation of the Treaty will, it is to be feared, be soon followed by its final rupture. The Correspondence on the subject will shortly be laid before your Lordships' House and the other House of Parliament, and your Lordships will then be able to weigh more carefully the causes which seem likely to lead to this unfortunate result. That the blessings which have followed from the free interchange of commodities between the two peoples should be interrupted, or rather snatched from the outstretched hands waiting to receive them, is much to be deplored, because in the extension of international commerce lies one of the best hopes of promoting the welfare of mankind. But one must not despair. There may be a reaction on the other side, and the banner of Free Trade may still be carried aloft, and the two countries may march together beneath it to reap those triumphs which industry set free, and commerce unrestricted, are sure to bring. My Lords, looking to Italy, I think I shall have the concurrence of your Lordships when I say that the advance which the Italian Kingdom is making must be cheering to all lovers of constitutional freedom, and to all believers in the capability of self-government possessed by the great Italian race.

My Lords, I now approach a subject by which the public mind has been deeply occupied and disturbed during the last few days. I am not in possession of the views of Her Majesty's Government, or of the course they intend to take in the matter of "the Alabama Claims;" but, speaking for myself, and looking to the extraordinary nature of the claims which have been put forward by those who have stated the Case of the United States, I think I shall not be misinterpreting the undivided sentiment of the country when I say that those claims are utterly inadmissible, and cannot be for one moment entertained. Your Lordships will be glad to see that the Emperor of Germany has undertaken to arbitrate on the matter of the San Juan water boundary. By consenting to give his good offices with a view of a settlement of this question, His Majesty has given a proof of that good feeling which should actuate

such nations as those of Germany and England for the promotion of international amity and goodwill. But, my Lords, before passing from the foreign topics to the more domestic subjects of Her Majesty's Speech, I must briefly allude to the paragraph which denounces the complicity of some British subjects in the nefarious practices committed in the South Sea Islands, from whence the Natives are carried off under pretext of transporting them to localities where the demand for labour is great—practices described in the Speech from the Throne as scarcely to be distinguished from slave trading. The atrocities committed by the crews of vessels engaged in these practices have engendered in the minds of the Natives of the islands feelings of intense hostility and revenge, which have rendered unsafe the lives of missionaries and others who visit those shores—and, as is stated in Her Majesty's Speech, the murder of an exemplary Prelate has been one of the results. A system for the employment of free emigrant labour might be allowed under certain restrictions and fenced round with certain safeguards; but the kidnapping of the people of a country is a thing which cannot be sanctioned by England. Slavery, which we have vigorously and effectively put down in one quarter, we never can suffer to take root and spring up in another where we have any control.

My Lords, among domestic questions which are announced in the Speech from the Throne as being subjects for legislation during the present Session, your Lordships would have been greatly surprised if that of the Ballot had not found a prominent place. I am not going to travel over ground every inch of which has been examined by those who have spoken on the question in your Lordships' House, and the other House of Parliament. The principle of the measure to be introduced this year will probably be identical with that of the Bill last year; but the machinery by which it is to be worked will probably be amended in its details when the attention of Parliament is again invited to it. But, looking at the Bill, and looking at the relations existing between the different classes of the community, I cannot but come to the conclusion that there is a desire of power and influence on the one side—that of the employers

of labour—and, on the other side, an anxiety on the part of the labouring and lower trading classes for increased independence in the exercise of that privilege of voting which the Imperial Parliament has conferred upon them. I believe that the majority of these classes desire the protection of the Ballot, and I believe that if Parliament should make them this concession, it will strengthen and improve an important part of the machinery of constitutional government; but any such measure will be incomplete unless there be a sincere and determined intention on the part of those who pass it to prevent personation and all other such immoral practices to which every election, whether the system of voting be open or secret, inevitably gives rise. Your Lordships will, therefore, learn with satisfaction that the Government are about to bring in a Bill relating to corrupt practices at Parliamentary Elections, and so deal effectually with a state of things which debases and demoralizes large sections of our population whenever they are called upon to exercise their political privileges. It will be a triumph of legislation if the Representatives of the people could be returned by constituencies taught to exercise the trusts reposed in them with conscientiousness and integrity. There are numerous other topics of legislation included in Her Majesty's most gracious Speech, on which I will venture to offer a few remarks—for time will not permit me to deal with them all. The question of Scotch Education will be again taken up this Session, and, notwithstanding the collapse which occurred two years ago, I have no doubt that the Legislature will arrive at such a conclusion as will satisfy the legitimate wishes of the Scotch people. The Bill for the regulation of Mines will demand the earliest and most unremitting attention of Parliament. Its provisions will have to be weighed with the greatest care; for, while on the one hand there ought to be a fixed determination to afford by stringent inspection and other means greater security for the hardworking and industrious classes occupied in mines; on the other, it is most essential to avoid any course which would necessarily increase the price of an article so important to consumers as coal: but if calculations of cost are to be weighed against considerations of humanity, the

nation will not hesitate which of the two alternatives to choose. Again, the Licensing question is one of equal if not of still greater difficulty; but its solution may, perhaps, be found in a well-devised measure for more stringent police regulations than those now in force. The adulteration of liquors is carried on to a most pernicious and scandalous extent throughout all parts of the country. The intemperance and drunkenness so justly complained of are not caused so much by the quantity of liquor which the poor man drinks—a glass or two of which, if pure and sound, would do him good—as by the vile quality of the liquor sold by the low public-houses, of which there are such a number competing against each other, and which can live only by the adulteration of the drinks they sell. Your Lordships will learn with satisfaction that it is the intention of Her Majesty's Government to introduce a Bill to amend, consolidate, and facilitate the working of the numerous Acts already passed, but which have hitherto failed to promote the sanitary well-being of the populations scattered throughout the villages or congregated in the towns of this kingdom. Experience has shown that Local Boards are incapable of carrying out the necessary measures of sanitary reform, and permissive legislation in such matters means stagnation and delay. I believe there ought to be a central authority with full power to stimulate, direct, and guide the somewhat languid operations of Local Boards. Her Majesty's Government also announce their intention to introduce measures for effecting administrative improvement in Ireland. I will not dilate on the condition of that country, but will leave that to my noble Friend who will follow me, because the noble Viscount (Viscount Powerscourt) has much greater local experience; but I cannot omit to remark on the cheering and encouraging announcement in that part of the Speech from the Throne which announces—

“That, with very few exceptions, Ireland has been free from serious crime. Trade in that part of the United Kingdom is active, and the advance of agricultural industry is remarkable.”

It is not to be supposed that the evils which have been engendered in that country during a long course of years can have been removed in the short term

of two years. Disregarding, therefore, some noise and clamour, it may be assumed that Ireland has fairly started on a career of progress, in the midst of which, and within a very few years, every trace of hostility to England may be expected to disappear. The measures of sound policy and justice which have been passed for the improvement of that country are beginning slowly, but steadily and surely, to tell.

My Lords, I cannot conclude my observations without congratulating Her Majesty's Government, under whose auspices the system was first introduced, on the success which attended the autumnal manœuvres of last year. I believe the course adopted to be most valuable. If periodically and frequently renewed, such manœuvres are eminently calculated to satisfy a desire long felt in the higher military circles, for more practical and systematic instruction in the combined and more extended operations of the three arms in the field. Military men derived many lessons last year which will teach them to correct deficiencies and defects in future years. They have learned that great changes in our tactics and formations for fighting must, sooner or later, inevitably be made, in order to meet the new conditions of warfare and the vastly improved weapons with which troops are now armed. The thanks of Parliament and the country are due to the Government for having afforded an opportunity to the higher authorities of considering the effect of these changes, and to the service at large an occasion of practically testing them. My Lords, the present Session is starting laden with promises, anticipations, and hope. Your Lordships must feel that there is an anxious desire on all hands that it should not be brought to an end without the enactment of measures largely conducive to the public welfare, and affording in the most direct manner increased protection for the lives of the mining and other industrious classes of this realm. My Lords, to enable Her Majesty's Government to achieve that great object one thing is necessary—the firm co-operation, union, and support of the great Liberal party in Parliament and throughout the country at large. The noble Earl concluded by moving the following humble Address to Her Majesty thanking Her Majesty for Her most gracious Speech from the Throne :—

Most GRACIOUS SOVEREIGN,

"We, Your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to offer our humble thanks to Your Majesty for Your Majesty's most gracious Speech delivered by Your Majesty's command to both Houses of Parliament.

"We humbly assure Your Majesty that we heartily concur in Your Majesty's expressions of thankfulness to the Almighty for the deliverance of His Royal Highness the Prince of Wales from the most imminent danger, and that we share Your Majesty's grateful recollections of the profound and universal sympathy shown by Your Majesty's loyal people during the period of anxiety and trial.

"We humbly thank Your Majesty for informing us, that Your Majesty purposed that on Tuesday the 27th instant, conformably to the good and becoming usage of former days, the blessing thus received shall be acknowledged on behalf of the nation by a Thanksgiving in the Metropolitan Cathedral; and we rejoice to learn that it is Your Majesty's desire and hope to be present at this celebration. We humbly thank Your Majesty for having caused directions to be given for the necessary accommodation for the Members of the two Houses of Parliament.

"We humbly thank Your Majesty for informing us, that the assurances of friendship which Your Majesty receives from Foreign Powers continue to be in all respects satisfactory. We are confident that Your Majesty's endeavours will at all times be steadily directed to the maintenance of these friendly relations.

"We deplore the continuance of Slave Trading, and of practices akin to it, in different quarters of the world; and we assure Your Majesty that our serious consideration shall be given to the proposals of Your Majesty's Government with reference to offences of this class in Australasia.

"We humbly thank Your Majesty for informing us, that various communications have passed between Your Majesty's Government and the Government of France on the subject of the Commercial Treaty concluded in 1860; and that from a divergence in the views respectively entertained in relation to the value of Protective Laws, this correspondence has not brought about any agreement to modify that important Convention; but that on both sides there has been uniformly declared an earnest desire that nothing shall occur to impair the cordiality which has long prevailed between the two nations.

"We humbly thank Your Majesty for informing us of the steps which have been taken in pursu-

ance of the Treaty of Washington, and of the friendly communication which Your Majesty has caused to be made to the Government of the United States with regard to Your Majesty's understanding that certain claims, which have been included in the Case submitted on behalf of the United States, are not within the province of the Arbitrators.

"We rejoice to learn that, with very few exceptions, Ireland has been free from serious crime; and that in that part of the United Kingdom trade is active, and the advance of agricultural industry remarkable.

"We also share Your Majesty's satisfaction at the decrease in the number both of the graver crimes, and of habitual criminals, in Great Britain.

"We assure Your Majesty that we will give our earnest consideration to the measures of public usefulness which may be presented to us.

"We humbly assure Your Majesty, that we will devote our best energies to the work of legislation; and we trust that, by the favour of Divine Providence, our endeavours, in unison with the loyalty of Your Majesty's people, may sustain the constant efforts of the Crown to discharge the duties, to uphold the rights, and to defend the honour of the Empire.

VISCOUNT POWERSCOURT, in seconding the Address, said: My Lords, the first topic in Her Majesty's most gracious Speech which will command itself to your Lordships' attention is that in which Her Majesty alludes to the recovery of His Royal Highness the Prince of Wales from what has been well-nigh a mortal sickness. The anxiety displayed by the nation during the dangerous time of that illness, and the sympathy with the Queen and the Royal Family manifested by all classes of Her subjects were so sincere that your Lordships may well address Her Majesty in words of congratulation on a subject which naturally forms the first subject in the Speech addressed by Her Majesty to Her Parliament. Your Lordships may now trust and hope that His Royal Highness will be spared for many years to fulfil the duties of his station. I think there never was a time since the commencement of Her Majesty's reign when an appeal could have been better made to the sympathy and loyalty of the people—the entire nation is now coming

forward with a desire to welcome Her Majesty back from her retirement. Your Lordships must all regret that Her Majesty has not been able to be present today to open Parliament in person; but you may hope that on the occasion of the national Thanksgiving at St. Paul's the Queen may be able to repair to the Cathedral, with all the proper attributes of Royalty, to lead her people in the national outpouring of gratitude for her son's happy recovery. My Lords, I cannot but regret that any differences should arise between the two great branches of the Anglo-Saxon race. I trust, however, that the so-called *Alabama* Claims will soon be settled, and that a friendly understanding may be arrived at. We all know the immense interests that would be at issue in case of a disagreement between us and our brethren at the other side of the Atlantic; and I am sure that the English nation will go to the Arbitration with a sincere desire of conciliation, and an anxiety to cement the union which ought always to exist between this country and the United States. Much might be said on the subject; but I think your Lordships will agree with me that it will be better not to enter on it at any length. I feel the more reluctant to do so because I have not that experience in diplomacy which has been enjoyed by so many of your Lordships. I regret that the Government of the neighbouring great Republic of France should have taken a retrograde view of the commercial relations between itself and this country, and that at its sittings the Assembly should have been employed in undoing what had been done under the Second Empire with the view of strengthening the commercial relations between the two countries. My Lords, I hope that the measure of the Ballot for the protection of electors may become law, and put an end to the interminable discussions on the subject. It is very desirable, especially in Ireland, that persons should have an opportunity of recording their votes without being subjected to outrages such as voters are now exposed to in that country. I hope that after the Ballot Bill shall have been disposed of, the question of Education in Scotland, and other domestic subjects, will receive due attention—especially those which have reference to the better protection of the lives of persons engaged in mining and other industries. As regards my own

country, Ireland, I must express my opinion that the present agitation for a Parliament in Dublin is most mischievous, and that such a measure, if successful, would be fatal to the best interests of that country. Many persons have expressed an opinion that the two great measures which have been passed for Ireland since the accession of the present Ministry to office have had no good effect. These persons say that there is no sign as yet of "the lion lying down with the lamb;" but I would remind them that sores which have been rankling for centuries cannot be expected to close the moment a remedy is applied. I think Ireland has never been in so prosperous a state as she is at present. There is a very large amount of Irish capital lying in the savings banks and in other securities—and that is capital belonging not to landlords, but to the tenantry of the country. When there appears to be a good investment for it the people buy it out. That has been shown at the recent sale of the Waterford estates. The shorthorn, and other stock of Ireland, are admitted to be as good, or nearly as good, as anything to be found in England. The animal which took the gold medal at the last exhibition of the Royal Agricultural Society was bred and fed in the county of Cork. If there were general contentment in Ireland, English capital in abundance would find its way there. Improvements in the communications and other measures are required; but "Home Rule" is nonsense. It is advocated by persons who call themselves patriots; but, in my opinion, they are not serving their country. My Lords, in the Royal Speech there is no mention made of an Education Bill for Ireland. Now, as there is at present such a division of opinion on that subject, I think the Government has done wisely in deferring legislation on that subject for Ireland; but, whatever may be said to the contrary, I hold that Ireland is progressing in every way: and, as I said before, I believe that English capital is only awaiting the result of the movement to which I have alluded to seek large and remunerative employment in Ireland. The noble Viscount concluded by seconding the Address.

[See Page 14.]

THE DUKE OF RICHMOND: My Lords, I am happy to be able to congratulate both the noble Earl who moved

the Address and the noble Viscount who seconded it, on the very able and conciliatory manner in which they addressed themselves to their subject. There is nothing in the speech of either of the noble Lords which could have induced me to take a hostile course on this occasion, had I been so minded; but, if the noble Earl who moved the Address will allow me, I must take exception to his concluding remarks, in which he wished and hoped that the Session might be marked by the enactment of measures which might largely conduce to the increased improvement in the condition of the mining and working classes of this country, and in which my noble Friend expressed his opinion that the only real thing required to bring about such a happy condition of affairs was that the Liberal party should be united. The noble Earl entirely ignored the existence of the party of which I am a humble member; but certainly I should have thought that the Conservative party might be supposed to take some considerable part in the discussions and in the legislation of this House; and I say, with all respect for the noble Earl, that the Conservative party will yield to no other in this country in an anxious desire for the welfare of all classes. Thus much, my Lords, for the remarks made by the noble Lords the Mover and the Seconder of the Address. Now, my Lords, I think it is at all times—except under very extraordinary circumstances—undesirable to move an Amendment to the Address in reply to the Speech from the Crown; but I think it would be especially so on the present occasion, when the first paragraph in Her Majesty's Speech alludes to a subject which has such a deep and lively interest for every Member of your Lordships' House.

My Lords, when I think of the wonderful preservation of the life of His Royal Highness the Prince of Wales to his country, I am certain that no person in this House can rejoice more than I do at such an event of his illness. My Lords, I need not remind your Lordships of the circumstances connected with the illness—the almost death illness—of His Royal Highness; I need not remind you of the intense anxiety manifested throughout the length and breadth of the land—I need not remind you that there was not a family in the country which did not feel as if some great, some

dire calamity was impending over its own circle—a sympathy which was owing, doubtless, in part to a feeling of loyal attachment to the Prince himself, and in part to a feeling of attachment to the Sovereign personally; but the interest manifested was owing also to a conviction on the part of the country that if the life of the Prince were spared we should be preserved from one of the greatest calamities that could befall the nation. The country felt that living under a Constitution which has lasted so many ages, and has been productive of such vast national benefits, we should sustain a great misfortune if that Constitution were placed in any danger. And, my Lords, it was a remarkable circumstance that at the time when His Royal Highness fell ill, mischievous agitators had been parading the country from one end of it to the other, endeavouring to persuade the people that they could never be happy or prosperous unless under a Republic—in other words, unless the country underwent all the horrors of revolution. Therefore, my Lords, I think the consciousness of this country that we are living under institutions as free as any in the world, had not a little to do in bringing forth those manifestations of loyal attachment to the Throne with which we were all so much delighted. I feel, my Lords, that I need not further dwell on the happy event of the recovery of the Prince of Wales, and that I may proceed to other, though less gratifying topics.

I feel it to be my duty to make some remarks on several points referred to in the Speech from the Throne, and also to a few that do not appear in it; but before doing so, I would express my extreme regret at seeing my noble Friend the Secretary for Foreign Affairs suffering from illness, and offer him my sincere sympathy. In the first place, then, my Lords, I must say that the Speech is characterized by as much bad grammar as usually falls to the lot of such documents. In this respect it does not fall short of any of its predecessors. The third paragraph, which I have no doubt has been heard with great gratification by your Lordships, informs us, in respect of the Thanksgiving at St. Paul's, that—

"Directions have been given to provide the necessary accommodation for the Members of the two Houses of Parliament."

Well, for my own part, I should have

The Duke of Richmond

taken it for granted that on such an occasion accommodation would be duly provided for the Members of the Legislature, therefore that it was totally unnecessary to make that statement occupy so prominent a part in the Speech from the Throne. Next follows the stereotyped paragraph, which announces that Her Majesty receives assurances of friendship from Foreign Powers which continue to be in all respects satisfactory. Well, no one rejoices at that more than we do on this side of the House. Next we have the paragraph about the Slave Trade and practices scarcely to be distinguished from Slave Trading. No one can abhor such practices more than I do; but I should hardly have thought it was necessary to put in so prominent a part of the Speech the announcement that a Bill will be presented for the purpose of facilitating the trial of offences of this class in Australasia. Neither do I think it was necessary to comment in such very grandiloquent language on the fact that France declares her adherence to Protection, while this country is for Free Trade. This is the passage—

"Various communications have passed between my Government and the Government of France on the subject of the Commercial Treaty concluded in 1860. From a divergence in the views respectively entertained in relation to the value of Protective Laws, this correspondence has not brought about any agreement to modify that important Convention."

I should hardly have thought it necessary to use grandiloquent language to announce that France adheres to Protection; but I was under the impression that no question of modification need arise, seeing that the Treaty itself is almost at an end.

My Lords, the next paragraph to which I shall direct your Lordships' attention refers to a subject of the very greatest importance, and I hope that in anything I may say on the present occasion I shall say nothing detrimental to the public service or make use of any language which can by any possibility be misconstrued or misunderstood. I read with great regret that—

"In the Case submitted on behalf of the United States large claims have been included which are understood on my part not to be within the province of the Arbitrators;"

and I regret Her Majesty's Government had not taken more distinct care that such a state of things could not by any possi-

bility arise. I, however, rejoice to hear that a communication has been made on this subject by Her Majesty's Government to the Government of the United States—I hope in friendly terms, but in terms of the greatest precision, so that there may be no mistake whatever as to the views of Her Majesty's Government. I should be glad to know, if it be consistent with the duty of my noble Friend the Secretary for Foreign Affairs, to inform us when this communication was made, and whether it was made immediately on Her Majesty's Ministers ascertaining the views of the Government of the United States. Having said so much I do not think it necessary to go further, because I think it would be inconvenient on a Motion for Address to go more fully into a subject which must come to be thoroughly discussed, when, no doubt, we shall have an opportunity afforded us of considering the merits or demerits of the Government in their action in the matter, and on the negotiations which preceded and on the Treaty itself. This will be after we shall have had all the Papers before us. I do not propose, therefore, to raise anything like a debate on the present occasion, and I trust that I have not said anything calculated to raise one. I shall pass from the subject only repeating the hope that Her Majesty's Government have taken steps which cannot be misunderstood. I shall not go into the San Juan Water Boundary question, because it is part of a subject which ought to be discussed as a whole.

I now come to that portion of Her Majesty's Speech which says that—

"Turning to domestic affairs, I have to apprise you that, with very few exceptions, Ireland has been free from serious crime."

The noble Earl who moved the Address (Earl De La Warr) referred to "noisy clamour." I do not know whether he was aware that in consequence of what he described as "noisy clamour" one election in Ireland has had to be brought to a premature end. I am told that Captain Trench had to retire from the contest in Galway in consequence of the intimidation rendering it unsafe for him to proceed; but whether this is so or not, I am afraid that the paragraph of the Speech from which I have just quoted represents a state of things which does not exist in Ireland,

if the capital of that country is to be regarded as a portion of it; for how was that capital described by Mr. Justice Fitzgerald in a charge delivered by him to the grand jury of the city of Dublin in the month of November last? He observed that when he was appointed to the Bench some years ago, the Judges were in the habit of congratulating the grand jury of Dublin on the peaceful condition of that city, the orderly disposition of the people, and on the fact that the laws were well administered; but in a short time the whole scene had changed—then—in the month of November last—property was not safe, life was not secure, and there was as much well-developed ruffianism in Dublin as disgraced any other city in Europe. I should have said, therefore, that the state of that city must have escaped the notice of the noble Earl when he advised Her Majesty's Government to inform us of the condition of crime in Ireland.

And now, my Lords, passing by the Estimates and the state of the Revenue, and coming to the paragraphs of the Speech referring to "measures of acknowledged national interest," I find among the measures which Her Majesty's Government propose for consideration a Bill for the improvement of Public Education in Scotland. My Lords, I am not here to deny that in some portion of that country, at all events, there may be a want of increased facilities for education. In some of the larger towns, and in some of the mining districts, where great populations have of late sprung up, there is no doubt a necessity for increased means of education; but I do not think that throughout the length and breadth of the land there is any lack of education for the people. At the same time, I am not prepared to say that I will not give to a measure for the extension of public education in Scotland every attention in my power. It is a subject in which I naturally take a very great interest, and considering the expressions used by the Lord Advocate at various times to the effect that he considered no education was valuable unless religion were mixed with it, I trust that the Bill which is to be sent up to your Lordships' House may be such a one as may be passed during the present Session of Parliament. Of course, it must be to a great extent a question of detail, and

details in such a matter are of the greatest importance, and therefore, without pledging myself to the support of a measure not now before us, I will promise to give it my careful attention in order to pass this Session, if possible, a useful and proper measure for that country.

With respect to the mention in the Speech of the Licensing System, I trust Her Majesty's Government, in their anxiety to put down intoxication in this country, will not lose sight of the fact that there are very large classes in the country whose interests such a measure must affect.

The Speech from the Throne goes on to announce that "several measures of administrative improvement for Ireland will be laid before Parliament;" but as no mention is made as to what they are, it is impossible to form any idea of the tenor of these Bills.

And now, my Lords, we come to a paragraph relating to a measure which excited considerable interest last Session. It says—

"In particular, a Bill, having for its main object the establishment of Secret Voting, together with a measure relating to corrupt practices at Parliamentary Elections, will be immediately presented to you."

I am not now going into the question of the merits of vote by Ballot, for I think it would be imprudent to discuss, on the present occasion, its merits and its details; but I am happy to think that the conduct of your Lordships during the last Session of Parliament, in declining to proceed with the measure then before you, has been amply justified by the speech of one of Her Majesty's Ministers—namely, the Secretary of the Lord Lieutenant of Ireland. I find the Marquess of Hartington stating, in a speech delivered to the electors of Radnorshire, that the time which had elapsed since the measure was rejected by the House of Lords had not been lost; that the Government had profited by the criticisms on the Bill; and that they would introduce to Parliament, during the present Session, a simple and still more effective measure than that of last year. Now, I maintain that that is a complete justification of the course your Lordships took; because if we had agreed to the Bill of last Session we should have passed a measure which, apparently, was neither simple nor thoroughly effective. If the Bill now

proposed is more effective than that of last year, it is obvious that the country will be very much the gainer.

My Lords, I think I have now exhausted all the topics mentioned in the Speech from the Throne; but there are omitted from it some topics on which I will venture to say a few words—they are of far too great importance to be omitted from mention altogether. In the first place, I see no reference whatever in Her Majesty's Speech to either of the two branches of service upon which the safety and the welfare of this country depend. Surely it is a most extraordinary fact that in a Speech from the Throne in the year 1872 no mention is made either of the Navy or of the Army. Now, with regard to the Navy, what is the fact? I am not going to anticipate the result of the Royal Commission which is now sitting on the *Megara*; but one thing is clear to all who have read the evidence—namely, that the *Megara* went to sea with her bottom not very much thicker than a sheet of *The Times* newspaper. She was sent in this condition to the Antipodes with I do not know how many souls on board; your Lordships know the result of that voyage:—and as far as the evidence goes which has been given before the Commission, there is not a single man in this country who is responsible. What is there to prevent a similar thing from occurring to-morrow? We do not know how many vessels may be in the same plight. Nobody, it appears, is responsible for the state of the ships which may leave this country in the condition the *Megara* was.

Then there is another point connected with the administrative department of the Navy—namely, the Board of Admiralty, to which I would draw your Lordships' attention. There was a most remarkable statement made before that Commission. The Permanent Secretary to the Admiralty, Mr. Vernon Lushington, being invited to give his views, says—"Chaos reigns supreme." He is asked whether there is a Board? and he replies that there is only a "phantom Board." First he rather thinks there is a Board, and then he thinks there is not; and he says the condition of things in the administration of the Admiralty is such that nothing short of a revolution—not of the country, but of the department—can put it straight. Mr. Childers, it appears, had

pulled down everything, but had built nothing up. Consequently, everything is destroyed and nothing renewed. Now I say that these facts having been made known to the Government, some prospect ought to have been held out in the Queen's Speech that the present unsatisfactory state of our naval administration should be reformed, and the Department restored to something like its former condition.

Having said thus much about the Navy, I have only one more subject to touch upon, and that is the Army. Now, I do think it is very remarkable that a branch of the service which certainly occupied the attention of both Houses of Parliament during the whole of last Session has not been alluded to in Her Majesty's Speech. Last year we were told the time had arrived when we were to have a great re-organization scheme for the Army, and when all the branches of the service were to be fused together in one great mass. We were told that in order to do this the great bugbear, Purchase, must be got rid of. Accordingly, it was got rid of, and in a manner which I trust I shall never see repeated. It is now some six months since Parliament last sat; but since then I have looked in vain for anything connected with the grand scheme for the re-organization of the Army, and we are not one whit more enlightened on this point than we were when I addressed your Lordships in the month of August last. It is true that during the Recess there was issued one of the largest *Gazettes* I recollect seeing; but all that *Gazette* did was to convert the cornets and ensigns of the Army into lieutenants. We were told that the officers of the Army were badly educated. What, then, has the Government done with regard to any educational institutions connected with the Army? There is in this metropolis one connected with both branches of the Service—the United Service Institution, an institution of the very highest value, admirably managed, and, I believe, supported and maintained by the officers of the Army themselves. Well, what has been the conduct of the Government which told us that the officers must be better taught? The only thing we know of is that they have given the United Service Institution notice to quit the premises they now occupy, and that a great Institution, which has been got

together and maintained with so much zeal, with so much trouble and expense, must quit the building it now occupies, and go to South Kensington, or somewhere else. That, I maintain, is not a proper way of dealing with the officers of the Army. Now, I want to know whether the condition of the Army is really such as was described by Her Majesty's Ministers last Session? The noble Earl who moved the Address (Earl De La Warr) talked about the difference of the present mode of warfare from that practised years ago, and remarked that it was necessary to elevate the educational tone of the Army. I look in vain to see if any light is thrown by the Speech on the manner in which Government is dealing with the Army. I read with attention and some interest the various speeches which have been delivered by Ministers throughout the country during the Recess, and doubtless none of your Lordships failed to read and digest that able address made by the Prime Minister to his constituents at Greenwich. The right hon. Gentleman touched upon every point connected with the measures of last Session, and then adverted to military matters. Now, it appears to me that after the close of the Session he had cooled down in his views and got calmer on the subject—he certainly did not take that view of the condition of the Army and of the officers which was taken by his Colleagues at all events, if not by himself, in the Session of Parliament. The right hon. Gentleman told his constituents that the Autumn Manœuvres were a great success. No doubt they were, and I am glad to find they were. The right hon. Gentleman also told his constituents that the foreign officers who witnessed those manœuvres criticized them in the most friendly manner, and although there were some details that might be amended, yet, on the whole, their observations and criticisms were of a complimentary character. This, it must be observed, was in reference to an Army that existed under the old system, and which had been in existence for 200 years. But what does the Prime Minister say? And I now come to what must be considered the cardinal point which I want to put before your Lordships. Amongst his audience were many persons who felt much alarm at the present state of things, as detailed in speeches delivered in Parliament.

They were told that under the existing state of the art of war they must reform the Army, and that it was idle to talk of such antiquated heroes as Wellington and of wars like the Crimean—they were of the past—and that the present system of warfare was such that there must be a complete change of things. No doubt some of those Gentlemen, as I have already said, became alarmed; especially when they saw a ship sent to sea which went down no one knows how. The right hon. Gentleman said he knew there were alarmists on this subject; but he had the satisfaction of being able to say that the country was never able to entrust its defence to troops and officers more worthy of the country, or more certain to make that defence effectual, than our present Army. Now, what do we want more? And yet this is the Army which the Government told us last year it was necessary to revolutionize by abolishing purchase, for which fancy they saddled the country with something like twelve millions of money. I say that if the condition of the Army is such as was described by the Prime Minister he ought not to have brought forward the measure of last Session. In conclusion, my Lords, I would express a most fervent hope that we may be spared, during the present Session, all sensational and revolutionary legislation, and that Her Majesty's Government will condescend to bring in measures which will have for their object the welfare, the safety, and the comfort of the people.

EARL GRANVILLE: My Lords, I am bound to say that the speeches of the Mover and Seconder of the Address were marked by great ability; and both the tone and substance of the speech of the noble Duke—though I must take exception to certain parts of it—are such as to render it unnecessary for me to make more than a few observations. This is a matter of much convenience to myself, because I have had considerable difficulty for some months past of standing on my legs, and do not wish to remain standing on the present occasion for a longer time than is absolutely necessary.

THE DUKE OF RICHMOND: I am sure I only express the feeling of all your Lordships when I suggest that the noble Earl shall address you sitting. ["Hear, hear!"]

EARL GRANVILLE: I am extremely obliged to your Lordships; but we are such creatures of habit that I fear if I were to sit down I should not be able to speak. The noble Duke (the Duke of Richmond) has taken exception to certain things which are in the Speech and to other things which are not. With regard to the former, he criticised the courteous paragraph which refers to the accommodation which is to be provided for the Members of both Houses of Parliament at the Thanksgiving Service in St. Paul's Cathedral. This may be a trivial matter, but is not open to the noble Duke's remarks, for it happens that the insertion of this paragraph is in strict accordance with precedence in all Royal Speeches in which similar ceremonials have been announced. The noble Duke has further objected to the paragraph which refers to the communications which have passed between this country and France on the subject of the Commercial Treaty; but this is a subject in which the people, and especially the commercial classes of this country, have a very great interest. I think also that the noble Duke has rather miscalculated the importance which Parliament and the country attach to the diminution of crime in this country, for I venture to state, despite my noble Friend's criticism, that subject is one in which the feelings and interest of the country are very deeply concerned. Then as to the subjects to which no reference is made in the Speech from the Throne. The noble Duke objects that the two services—the Navy and the Army—are altogether omitted from mention. With regard to the Navy, the noble Duke did not state the grounds of his objection, nor did he state what legislative measures he desired, or what course he recommended; but he drew your Lordships' attention to the evidence given before the Commission, over which my Friend the noble Lord on the cross benches (Lord Lawrence) presides. In fact, the noble Duke actually complains that Her Majesty's Government have not advised the Queen to state what they will do before they receive the Report of the Commission. With regard to the Army, we have no legislative measure in contemplation as far as I am aware. The noble Duke said he did not know what had occurred during the Recess beyond the fact that a *Gazette* has been

issued by which all cornets and ensigns have been converted into lieutenants. The fact, however, is, that since the Pro-
rogation of Parliament a Warrant has been issued, which has been subjected to criticism out of doors, and will no doubt be discussed in both Houses of Parliament, providing for the improvement of officers of all ranks, and an Order in Council has also been issued for the transfer of the appointment of Militia officers from Lords Lieutenant to the Army Department; but the reason why many of these improvements have not taken place is that they require money Votes from the House of Commons, and until they give the money we are without the means of carrying them out. In dealing with that part of the Royal Speech which refers to the almost mortal malady of His Royal Highness the Prince of Wales, it is impossible to speak with more truth or feeling of that long and alarming malady than were exhibited in the language of the Mover and Seconder of the Address and of the noble Duke. I feel for myself that it is impossible to add anything to what has been written and said—and felt also—with regard to this great crisis in the health of His Royal Highness. During the whole of the autumn there has been a sort of undereurrent of anxiety on two subjects. One, the health of Her most gracious Majesty the Queen. I believe the malady from which Her Majesty was suffering was not of a dangerous character, but it was for a long time most painful and harassing; and She was unable, from the daily requirements of State, to have recourse to those means usually resorted to for a renewal of health and strength, and which were afterwards aggravated by the anxiety which She, in common with her subjects, felt during the whole time of the Prince of Wales's illness. Another source of anxiety to which some allusion has been made was a sort of smoke and smother of disloyalty, which led many persons to believe that there was some latent fire the import of which we had not discovered; but the manifestations of the public feeling when the Prince's malady became critical dispersed to the winds any notion of foundation of such an opinion; and whilst it gave us the greatest possible gratification to see that recognition of the genial and warmhearted character of His Royal Highness, it at

the same time struck foreign nations with surprise and admiration; for that feeling they did not consider merely personal, but also an indication of the strength of our institutions and the harmony of all classes of the people. With regard to the Thanksgiving celebration—although my noble Friend objected that mere details should be mentioned—I cannot help adverting to the intention and hope of Her Majesty to be present in St. Paul's. Her Majesty has graciously stated that She is anxious on this, as on all occasions, to perform every duty compatible with her health and strength, but not to go farther, so as to destroy her health and strength, which are so necessary for the discharge of the important duties which devolve upon her in the daily business of her life. I will here mention, parenthetically, that on Thursday next I shall, according to precedent, move for the appointment of a Committee to consider the arrangements to be made for the attendance of your Lordships at St. Paul's. Then with regard to the Slave Trade. I think the noble Duke somewhat undervalues the importance of the paragraph which refers to the possible renewal of that infamous traffic, and the excitement that has been occasioned by its revival, to some extent, and under a different but scarcely distinguishable form, in the Islands of the South Seas, in which I am concerned to say some of our own fellow-subjects are disgracefully implicated. No doubt the difficulties of dealing with this question are immensely great, because it involves the carrying on of operations at the other side of the globe; but still Her Majesty's Government hope that, through the adoption of legislative and other means, which will enable them to deal as far as they can with this evil, it will eventually be put an end to. I must be allowed to say one word with regard to the Commercial Treaty with France, and our correspondence with the President of the Republic on that subject. The President of that Republic has rendered the greatest services to his country. He has concluded peace, has re-established order, and has commenced the re-organization of society. Since peace and order have been secured that country has exhibited a wonderful elasticity of material resources. We make no pretence whatever to teach the Government of that

country what it is their duty to do with regard to fiscal measures; we do not presume to say whether they shall be in accordance with the views which we in this country hold now, and which are very firmly clung to by almost the entire nation, or whether they shall be in accordance with those which many years ago were entertained by very many eminent persons in this country. But we have felt that, while we are anxious to meet every just requirement — while anxious to go even beyond what our own principles would lay down for us — it would not do for us to recommend to Parliament any retrograde motion with regard to Free Trade. Should the Treaty be abrogated, it will be for us to let France follow her own course; but I am sure it is better for the principles we advocate, and better for the promulgation of them in France that we should have taken the course we have done, than that we should have taken one which might have appeared more courteous, but which would have led afterwards to serious embarrassments between the two countries. With regard to our political relations with France, their peaceful character is undisturbed, and when slight differences of opinion have arisen between us, they have been satisfactorily settled. My Lords, I now come to a subject which has been touched upon, with great discretion, by those who have preceded me, and one with which the public mind of this country has been very deeply moved — I mean the Treaty of Washington. I refer especially to the large claims made by the Government of the United States in the Case they have submitted to the Arbitrators under the Treaty. The noble Duke asked whether Her Majesty's Government have sent an immediate reply to that Case. I am happy to say we did no such thing — because, upon questions which may possibly lead to differences between the two countries, we consider it advisable to proceed calmly and deliberately, and not to throw away the slightest chance of coming to an agreement, if it is possible to do so. There are different ways in which, and times at which, we could begin these communications: we considered them all; each had its advantages and each its disadvantages; and, on the whole, we thought it would be more satisfactory to the public opinion of this country — it would tend more to

obviate irritation, to prevent the envenomation of discussion, and to strengthen our position, and that it would be more straightforward and fair to the United States, if we at once made to their Government a communication of the general character indicated by Her Majesty's Speech. Many references have recently been made by the public Press to a statement which your Lordships will recollect I made in this House last year respecting the interpretation which Her Majesty's Government put upon the Treaty of Washington. I recited the direct claims which Mr. Fish had put forward in the very beginning of the Protocols, and made the remark that many of those claims to which we were liable under the Stanley-Johnson Convention had entirely disappeared, and were closed by the limits of the reference. I made that statement before your Lordships, and also before a gallery of experienced reporters; I made it in the presence of the representatives of different Foreign nations, and those who were most likely to take an interest in the controversy; and that statement was corroborated both by my noble Friend the Lord President and by the noble Duke the Secretary of State for India. That statement so corroborated was the opinion of Her Majesty's Government then, and it is the opinion of Her Majesty's Government now. In support of that view I will cite now only a passage from a speech made in "another place," on the 4th of August last, by Sir Stafford Northcote, who had supported the action of the Government, and who, in a public-spirited manner, had given assistance to the Government by going out as a High Commissioner to discharge one of the most difficult tasks a Commission ever had to perform. That right hon. Gentleman said —

"The hon. and learned Member for Richmond (Sir Roubell Palmer), in his observations as to the advantages which the Treaty possessed over the Conventions which had been previously negotiated, remarked that the Convention which had been negotiated, but not adopted, had allowed the introduction of a number of claims which could never have been admitted. In fact, they were so vague that it would have been possible for the Americans to have raised a number of questions which the Commissioners were unwilling to submit to arbitration. They might have raised the question with regard to the recognition of belligerency; with regard to constructive damages arising out of this recognition of belligerency, and a number of other matters which this country

could not admit. But if hon. Gentlemen would look to the terms of the Treaty actually contracted, they would see that the Commissioners followed the subjects very closely by making a reference only to a list growing out of the acts of particular vessels, and in so doing shut out a large class of claims which the Americans had previously insisted upon, but which the Commissioners had prevented from being raised before the Arbitrators."—[*3 Hansard*, coviii. 900.]

I am not quite sure where the quotation of Sir Roundell Palmer is supposed to end; but I think the whole passage establishes without the slightest doubt what was the intention of Her Majesty's Government and of Her Majesty's Commissioners in negotiating the Treaty. However, I agree entirely with the noble Viscount (Viscount Powerscourt) who said, with so much discretion, that this is not the proper time to go further into the matter. When the proper time comes—and I regret that it is necessary it should be delayed—I trust I shall be able to show to your Lordships, to the public here, and to the American Government, by reference to the particular words of the Protocols and Treaty, to the statements of the Commissioners, and to former Correspondence on the subject, not only what was our intention, but also what we had reason to suppose was the intention of the United States Government, and, lastly, that the claims objected to are excluded by the words of the Treaty. Assured as I am of the common sense which is so peculiarly characteristic of the people of the United States, I trust and believe that when they put themselves in our position, and see the impossibility of referring to any tribunal, however high, claims so large and so indefinite that the very estimates made of their amounts in this case appear ridiculous, and which yet might, without exaggeration, be trebled or quadrupled, they will understand the position in which we are placed. Your Lordships may depend upon it that, on the one hand, the Government will not sacrifice the rights of this country, and, on the other, that nothing will be wanting on our part to bring about a satisfactory and amicable solution of this most important question. I wished to say something more, on the subject of Ireland; but my strength will not permit me to address your Lordships further at the present time.

THE EARL OF DERBY: My Lords, the noble Earl need not have offered to

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your Lordships any apology, for every one of your Lordships here present must feel the deepest sympathy for his illness, and there cannot be the slightest desire to put upon him the least unnecessary pressure of business. My Lords, although the Speech from the Throne touches on many subjects, yet as the noble Earl truly says, there is only one subject which at present occupies the public mind, and to that the few remarks I have to make to your Lordships shall be almost entirely confined. I am willing to give credit where credit is due, and admit that it is a sign of wisdom on the part of the Government that, after a period of political excitement which has been considerably protracted, we are at last promised some respite from great constitutional changes, and that the measures which are to be brought forward this Session are to be measures of a useful, and practical rather than of a political and exciting character. On social and sanitary questions, on subjects such as that of sanitary reform and that of the better regulation of mines, there are no distinctions of party, and I am convinced that both this and the other House will readily concur in measures of that description, assuming always that they are conceived in a fair spirit and with a due regard to the various interests concerned. This may, perhaps, seem a superfluous declaration, because the Mover of the Address assumes that, in order to carry such measures triumphantly through Parliament, nothing more is required than the entire union and cordial co-operation of the Liberal party. Well, my Lords, it may be presumptuous to offer assistance which is not needed; but if one may judge from some recent indications, we may assume that that union is at present not very entire and the co-operation not very cordial; and it may, therefore, perhaps, be permitted to those who do not belong to the Liberal party to say that in all matters of this kind Her Majesty's Ministers may rely on receiving as warm a support from us as is honestly possible, and that they will not be exposed to criticisms conceived in a harsh or hostile spirit. Whether the Government will succeed in dealing with the infinitely more difficult question of the licensing laws is a matter which may be more doubtful. If I may venture to offer a suggestion on the subject it would be that the Government should not aim

at too much, and that they should remember the strength not only of the interests with which they have to deal, but also of those social habits and feelings of the people with which they interfere, and content themselves with removing what the great majority of persons conceive to be obvious and glaring abuses, instead of attempting to pass a comprehensive measure such as shall settle the question for many years to come. My Lords, there is one omission from the Speech I cannot help alluding to. There is a paragraph in the Speech relating to Ireland, in which it is evident that a very rose-coloured view has been taken of the condition of that country. I will not go into that question, especially after the judicial expression of opinion which we have just heard quoted by my noble Friend who seconded the Address. I will, however, make one remark. Serious crimes in Ireland are mainly connected with attempts at intimidation, and crimes of intimidation may be diminished in number by two causes—they may either be vigorously and effectually put down by the arm of the law, or they may have so completely answered their purpose, and intimidation may have been so thoroughly successful in compelling obedience to those who resort to it, that the actual commission of crimes may have been rendered unnecessary. If the number of crimes of that class has been diminished, I will leave your Lordships to form your own opinion as to the cause of that diminution. I have mine. Although Ireland is mentioned in this connection, it is somewhat curious, after all we have heard during the last two or three years on the subject of Irish education, and especially Irish education in the higher branches, that this subject has not been thought worthy even of a passing allusion in the Speech from the Throne. I suppose we may infer from this silence that no steps with regard to Irish education are to be taken this Session. Of course, it is for people to put their own construction upon that. Whether it be that in the Cabinet itself there is more than one opinion on the subject—whether it be that having alienated the bulk of the Protestants of Ireland, the Government are afraid to alienate the bulk of the Catholics also, with whose demands it is impossible to comply—whether the object is simply to defer for a year or two the inevitable disruption

between the English Liberals and their Irish Ultramontane supporters—whether any of these solutions, or all of them, jointly, account for the omission, I do not judge; but this I do say—that to ignore or postpone a difficulty of this kind is not to settle it. You will not find it easier to deal with in 1873 than in 1872. Some policy must be adopted on this question, and I do not see much advantage in leaving it in suspense—unless there be, which I do not believe, an *arrière pensée* in the matter, and unless you are going to leave the decision of the question to an Irish Parliament sitting in College Green. There is one passage in the Speech, my Lords, which I read with unmixed satisfaction, and that is the announcement of a measure to constitute a new tribunal of appellate jurisdiction. No reform of an administrative character is, I believe, more required, and there is none which will be more valued. In a matter of this kind I venture to say that no consideration of expense, no jealousy any of us may entertain as to the judicial rights and privileges of this House, ought to stand in the way of that measure being made as effective as Parliament can make it. I presume that the Bill on this subject will be introduced first in this House. I do not ask for an answer on that point now; but I offer the suggestion that, if it be possible, measures of a non-political character—such as those on sanitary reform and the regulation of mines—should, some of them at least, be introduced here. I think such an arrangement would be convenient in itself, and would very materially diminish the evil we complain of year after year—that we have nothing to do during one-half of the Session, and during the other half are overwhelmed with business. But, my Lords, as I said at the outset, all these domestic questions—all these petty internal differences—sink into insignificance in comparison with that international complication which has occupied the attention of everyone during the last few weeks. I cannot, of course, refuse to listen to the appeal of the noble Earl (Earl Granville) who deprecated premature discussion. I hope I shall not say a word which will embarrass him or his Colleagues in the communications which are now proceeding; but there are two questions which everybody is asking, and a fair and temperate discussion of

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which is useful and almost necessary to the formation of public opinion. The first is, how did we get into this trouble? and the next is, what steps are we to take in order to get out of it? I venture to think that the origin of the mischief was the step taken by the Government at this time last year in sending out Special Commissioners at all. The noble Earl opposite, remembering communications which passed at the time between him and myself, will do me the justice to bear witness that I am not now stating an opinion formed after the result; the objection to the principle and policy of that proceeding was one which I entertained and expressed at that time. Look how we stood when the negotiation was entered into—we were in a position which was absolutely unassailable. We had repaired what, I venture to think, was our original error in the matter—an error natural and excusable under the circumstances, but still an error—that of refusing arbitration altogether; we had offered a reference on fair and equal terms, and that reference the Senate and the House of Representatives of the United States, after some delay, decided upon declining. Why they took that step was a question for them; what is of importance is, that having made an offer which was rejected, we had put ourselves altogether in the right. As I conceive, it was clearly our duty to remain in that position, only telling the Americans—what, in justice and fairness, we were bound to tell them—that the offer which they rejected was still open for their acceptance if they thought better of their refusal. All precedent was in favour of that course, as well as the reason of the case. There is a dispute between two parties; one offers terms that are refused;—what is more fair, natural, and obvious than for that party to say—“Very well—you reject our proposition—we will not make another—it is your turn now; let us hear what you have to propose, and we will consider whether it can be accepted.” But what did we do? We sent a Special Commission to Washington—a proceeding intended to demonstrate to the United States the extreme importance we attached to obtaining a settlement of the question. The natural result was, that we thereby gave what was felt to be a strong hint to the American people and Government that they might safely raise

their terms, without much fear of the negotiation being broken off—a hint which they were not likely to be slow in adopting. My Lords, I will not go into details—I am not going to renew the discussion of last summer—but everyone must admit that the apology we voluntarily offered, and the admission of retrospective rules of international law by which we consented to bind ourselves were new concessions of a very serious and substantial kind. When the American negotiators found that up to that time the more they asked the more they got—for such had been their uniform experience—I am not surprised that they were led to continue the game they had played with so much skill and so much success. My Lords, I say the root of the evil was the sending out of a Special Commission, avowedly intended by its constitution to show the extreme importance which we attached to getting a settlement, and all that has followed has been the natural consequence of that error. The noble Earl opposite may say, as it has been said out-of-doors—“You have no right to criticize or find fault with our conduct, because your draft Treaty concluded with Mr. Reverdy Johnson is open to the same objection as ours, in that it admits claims for indirect injuries caused by the *Alabama* and other vessels.” Well, if the fact be so, I do not think it would be any answer. Two wrongs do not make one right, and recrimination is no defence. But the circumstances of the two cases are wholly different. It is quite true that the Treaty of 1868, and that concluded by Lord Clarendon in 1869, did not specially bar out these new and enormous claims for indirect injuries; but they were not excluded for this simple and plain reason—that at that time they had not been seriously advanced in any form. The House will probably recollect that the very first intimation of the English public received on that subject was contained in that remarkable speech delivered by Mr. Sumner, which was subsequent to all the negotiations I have referred to. My Lords, these are demands so extraordinary, so unexpected, that it is no imputation on anyone’s sagacity that he did not foresee or guard against them; but when those demands had been publicly advanced by a large party in one of the two countries between whom the

negotiations were carried on, then I say the case is altered, and it required only a very ordinary effort of caution to take steps which should prevent their being brought forward again. How do matters stand at the present moment? We cannot deny that there has been a certain amount of carelessness on one side, and I suppose everyone will agree that there has been a good degree of acuteness—I will not call it by any harsher name—shown on the other. But, whatever was said on the part of our Government which had better have been left unsaid, or whatever was overlooked which they might have foreseen, I am fully satisfied, for my own part, judging merely by the Papers that are public property, that they are perfectly justified in contending that the new claims are not and never were meant to be included in the Treaty. No doubt, if you read the Treaty by itself, the language is ambiguous. It will bear the American construction and it will bear our construction. That must be admitted. But read it with the Protocols, especially with the reference to that Protocol which speaks of an amicable settlement, and which is familiar to all of us—although I do not say even then the ambiguity is wholly removed, or that the language is as clear and precise as it might have been made—still, without going outside the document itself, it bears out our construction quite as well as it bears the opposite construction of the American Government. But I do not think there is any occasion to split hairs in the matter, or go into verbal discussions as to the precise meaning of the expressions which have been used in the Treaty. It is quite enough, as I conceive, that we know what we intended to offer and what we believed we were offering. To that offer be it wise or unwise, we are bound in honour and good faith, but we are bound to nothing more. And if it turns out—as it is quite possible—that the Americans have been putting one construction upon an international agreement, while we put on it an altogether different construction—if, in fact, we have been, on both sides, unintentionally misleading one another—then I apprehend that the essential element of a contract is wanting, the agreement is no contract at all, and the negotiation, as far as that is concerned, is at an end.

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That is, I understand, the contention of the Government, and in that contention I hold they are fully justified. I hope and believe they will firmly adhere to it. If they do firmly adhere to it, whatever difficulties or troubles may be in store for them, they will have what, during the last 11 years, no Government ever yet had in dealing with American negotiations—the undivided support of the whole people of this country. My Lords, I have only one other remark to make. Strong language is generally the mark of a weak cause, and I would say, not to Her Majesty's Government—there can be no need of such advice to them—but to those who are not so responsible, that the more unyielding we are in the matters in dispute, the more strictly we are bound to observe those international courtesies of language and demeanour which smooth many difficulties, and never weaken an argument.

LORD REDESDALE said, he wished to call the attention of Her Majesty's Government to a point connected with railway amalgamation. He thought it quite necessary that there should be some control over railway companies seeking amalgamation, of which many schemes had been promoted which were likely to come before Parliament. He hoped the Government would give their attention to the subject, and introduce some general measure which would give satisfaction to the public in this matter. It would be very difficult, if the Amalgamation Bills were once passed, to make the influence of Parliament in favour of the public felt by the railway companies, and if the present opportunity were lost legislation on the subject would become almost impracticable.

Address agreed to, nomine dissentiente, and ordered to be presented to Her Majesty by the Lords with White Staves.

CHAIRMAN OF COMMITTEES.

The LORD REDESDALE appointed, nomine dissentiente, to take the Chair in all Committees of this House for this Session.

COMMITTEE FOR PRIVILEGES — Appointed.

SUB-COMMITTEE FOR THE JOURNALS—Appointed.

APPEAL COMMITTEE—Appointed.

House adjourned at half past Seven o'clock, to Thursday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Tuesday, 6th February, 1872.

The House met at half after One of the clock.

Message to attend the Lords Commissioners:—

The House went;—and having returned;—

NEW WRITS DURING THE RECESS.

Mr. SPEAKER acquainted the House, —that he had issued Warrants for *New Writs*, for Truro, v. Hon. John Cranch Walker Vivian, Under Secretary to the Right hon. Edward Cardwell; for Plymouth, v. Sir Robert Porrett Collier, knight, one of the Justices of the Court of Common Pleas; for Dover, v. George Jessel, esquire, Solicitor General; for York County (West Riding, Northern Division), v. Sir Francis Crossley, baronet, deceased; for Limerick City, v. Francis William Russell, esquire, deceased; for Galway County, v. Right hon. William Henry Gregory, Governor and Commander in Chief of the Island of Ceylon and its dependencies; for Kerry, v. Right hon. Valentine Augustus Browne, commonly called Viscount Castlerosse, now Earl of Kenmare.

NEW MEMBERS SWORN.

George Jessel, esquire, for Dover; James Watney, junior, esquire, for Surrey (Eastern Division); Edward Bates, esquire, for Plymouth; James Maenaghten Hogg, esquire, for Truro.

NEW WRITS.

For Wick, v. George Loch, esquire, Manor of Northstead; for Chester County (Western Division), v. John Tollenache, esquire, Chiltern Hundreds.

PRIVILEGES.

Ordered. That a Committee of Privileges be appointed.

OUTLAWRIES BILL.

Bill "for the more effectual preventing Clandestine Outlawries," read the first time; to be read a second time.

THE QUEEN'S SPEECH.

MR. SPEAKER reported Her Majesty's Speech, made by Her Chancellor, and read it to the House.

ADDRESS IN ANSWER TO HER MAJESTY ON HER MOST GRACIOUS SPEECH.

MR. STRUTT, in rising to move an humble Address in Answer to the Speech from the Throne, said:—Sir, I could have wished that the duty which has been entrusted to my hands had fallen into those of some hon. Member of greater ability and experience than myself, and I have been encouraged to undertake it only by the hope that any shortcomings on my part will meet with the kind consideration and indulgence which the House never fails to accord to those who stand in the position I now occupy. In viewing the subjects to which Her Majesty's Speech alludes, we come to one which, first in order, holds also, I venture to say the foremost place in the thoughts of every hon. Gentleman present. Not many weeks ago the whole nation was watching with intense anxiety for tidings from the bedside of His Royal Highness the Prince of Wales. It has pleased God in His mercy to dispel the cloud which then overhung us, and to remove the danger which threatened the life of the Heir to the Throne. I am sure that it will have been with no ordinary feelings of joy that the country will learn of his perfect restoration to health and strength. Therefore, I may add—and I am using no meaningless words when I say so—that the renewed expression of Her Majesty's thankfulness for the deliverance of her son will find an echo in the heart of every hon. Gentleman present. Sir, it is in times of distress and anxiety that our real feelings rise to the surface and seek expression; but if any proofs are wanting of the strength of the ties of affection which bind Her Majesty to the hearts of her people, they will be found in the unanimous and spontaneous burst of sympathy which arose from all classes of her subjects during that period of trial. Hon. Gentlemen will receive with gratification the announcement that a day has been appointed when an opportunity will be given for expressing their thankfulness to the Almighty for the deliverance of

character; and, moreover, those debates were the means of putting clearly before the country all the arguments which could possibly be used against that measure, and of giving the constituencies an opportunity, if they thought fit, of making their views known upon it. I will not now attempt to go over again the ground trodden in our past discussions; but I may be permitted to say that I look on the Ballot, if not as an immediate antidote to all kinds of corrupt practices, at least the only means of meeting those cases of illegitimate influence of which you all have so much knowledge. Repressive measures have, I think, done much to check bribery, and public opinion is making its way against intimidation; but there are some undue influences of a subtle and almost indefinable character, against which I believe no penal provision, however stringent, can supply an effectual remedy, and which public opinion will never reach; and it is by the Ballot alone that you can cope with that evil. A measure, therefore, which will once for all stop those mutual recriminations, those charges and counter-charges of the exercise of unfair influences which are so rife during contested elections—a measure which will also ensure that our elections shall be conducted in a quiet and orderly manner, and that the voter shall be protected, will be of very great value. A good Bill dealing with corrupt practices will be a very valuable adjunct to one establishing vote by Ballot. The measure about to be introduced will, no doubt, contain stringent penalties against illegal practices, and a penalty, I hope, against personation, one of the chief evils against which you have to provide. These two Bills will, I trust, prove that the House is in earnest in its desire to secure both freedom and purity of election. It may be that the list of measures included in the Speech from the Throne is not so long as those which have sometimes been offered to you; but when you consider the nature of the Bills which have been promised, and consider also the great number and variety of the Notices which have been given this evening, I think the time of the House is likely to be fully occupied for this Session. It may be that there is not one of those measures of so overwhelming and so absorbing an importance as to engross

our attention to the exclusion of all the others—it may be that those measures generally are not of such a character as to elicit any strong political feeling or to excite party spirit; but I think they are not the less worthy of your careful consideration on that account, as they affect most nearly the social wellbeing and the moral and material progress of all classes of Her Majesty's subjects. The concluding passage of Her Majesty's Speech will meet not only with a hearty response from this House, but also from the country at large; and I believe I may express on their behalf that it will be their earnest endeavour, appreciating as they do the advantages of that rule which has made England great, and her people prosperous and happy, "to sustain the constant efforts of the Crown to discharge the duties, to uphold the rights and to defend the honour of the Empire." It now only remains for me to thank the House for the kind indulgence they have granted me. The hon. Gentleman concluded by moving—

"That an humble Address be presented to Her Majesty, to convey the thanks of this House for the Most Gracious Speech delivered by Her Command to both Houses of Parliament:

"Humibly to assure Her Majesty that we heartily concur in Her expression of thankfulness to the Almighty for the deliverance of His Royal Highness the Prince of Wales from the most imminent danger, and that we share Her Majesty's recollection of the profound and universal sympathy shown by Her loyal people during the period of anxiety and trial :

"Humibly to thank Her Majesty for informing us that She purposes that, on Tuesday the 27th instant, conformably to the good and becoming usage of former days, the blessing thus received shall be acknowledged on behalf of the Nation by a Thanksgiving in the Metropolitan Cathedral; and to assure Her Majesty that we rejoice to learn that it is Her desire and hope to be present at this celebration :

"To thank Her Majesty for having caused directions to be given to provide the necessary accommodation for the Members of the two Houses of Parliament:

"Humibly to thank Her Majesty for informing us that the assurances of friendship which She receives from Foreign Powers continue to be in all respects satisfactory, and to assure Her Majesty that we are confident that Her endeavours will at all times be steadily directed to the maintenance of these friendly relations :

Mr. Strutt

" Humbly to join with Her Majesty in regretting that the Slave Trade, and practices scarcely to be distinguished from Slave Trading, are still pursued in more than one quarter of the World, and to assure Her Majesty that our earnest attention will be given to the proposals of Her Majesty's Government with reference to offences of this class in Australasia :

" To thank Her Majesty for informing us that various communications have passed between Her Government and the Government of France on the subject of the Commercial Treaty concluded in 1860, and that from a divergence in the views respectively entertained in relation to the value of Protective Laws, this Correspondence has not brought about any agreement to modify that important Convention ; but that on both sides there has been uniformly declared an earnest desire that nothing shall occur to impair the cordiality which has long prevailed between the two Nations :

" Humbly to thank Her Majesty for informing us of the steps which have been taken in pursuance of the Treaty of Washington, and of the friendly communication which Her Majesty has caused to be made to the Government of the United States, with regard to Her Majesty's understanding that certain Claims which have been included in the Case submitted on behalf of the United States, are not within the province of the Arbitrators :

" Humbly to assure Her Majesty that we rejoice to learn that, with very few exceptions, Ireland has been free from serious crime, and that Trade in that part of the United Kingdom is active, and the advance of agricultural industry remarkable ; and that we share in Her Majesty's satisfaction at the decrease of the number both of the graver crimes, and of habitual criminals, in Great Britain :

" Humbly to thank Her Majesty for informing us that the principal Estimates for the coming year have been prepared, and will at once be laid before us ; that the state of the Revenue affords favourable indications of the demand for employment, and the general condition of the people ; and that these indications are corroborated by a decline of pauperism not inconsiderable :

" To assure Her Majesty that our serious consideration will be given to the measures of national interest which will be presented to us :

" Humbly to assure Her Majesty that we will devote our best energies to the work of legislation, and that we trust that our endeavours, in unison with the loyalty of Her people, may, under Divine Providence, sustain the constant efforts of the Crown to discharge the duties, to uphold the rights, and to defend the honour of the Empire."

MR. COLMAN : Mr. Speaker,—Sir, in rising to second the Address to Her Majesty, which has been so ably and fully moved, I desire to ask the House for that indulgence which is always accorded to one rising for the first time. Some hon. Friends told me it was not necessary ; but I venture to think that they have not experienced the sensation of having to echo Her Majesty's Speech, and then to echo the speech which has been so ably made by the hon. Gentleman the Member for East Derbyshire (Mr. Strutt), who has just sat down. It will be anticipated by the House that the first remark which I wish to address to it will be in reference to the first paragraph of Her Majesty's Speech—namely, that which refers to the illness, and, I am happy to say, the recovery, of His Royal Highness the Prince of Wales ; and, in speaking of this, I desire to do so not merely as a Member of this House, but on behalf of my constituents, and, if my hon. Friends opposite will allow me, on behalf of the county in which the city I represent stands. I am not going to say that East Anglia is more loyal and more devoted to the Crown than the inhabitants of any other part of the kingdom, for where the whole nation was aroused it would be invidious to particularize ; but I may say on behalf of the county in which His Royal Highness has fixed his residence, that in no part of Her Majesty's dominions was the anxiety more intense than in the county of Norfolk. None rejoiced more heartily in his recovery, and we hope his life thus happily spared may long be devoted to promote the welfare of the country at large.

It cannot be without a feeling of shame that we have heard at this time of the 19th century, in Her Majesty's Speech, a reference to the Slave Trade. When we remember that this country had, at a great cost of treasure, abolished slavery some 50 years ago, and that later another great nation, at a cost not alone of treasure but of life, had also abolished the Slave Trade, it must be with a feeling of great shame that we heard that some of our fellow-subjects bring discredit on the name of the British Empire by intermeddling with this most abominable traffic. I hold in my hand a letter from a friend who happens to be related, though distantly, to the Bishop whose death is

referred to in Her Majesty's Speech, and from all I have heard of him and know of him, no man could have devoted himself more thoroughly or more heartily to the work he had to do.

The next paragraph which comes before us is that relating to the Commercial Treaty concluded in 1860 with our neighbour, France. I am sure we must all deeply regret the financial difficulties in which that country is now placed, and though we venture to give advice, it will not be from any selfish feeling, but from a desire that the policy which we have followed for some years past with such satisfactory results should be also followed by France. It cannot be amiss, at this time, to call attention to the fact, that it is not a question of theory with us as to whether the Treaty has been productive of good to the two nations. The total of the imports and exports between the United Kingdom and France for 1859 was £26,500,000, and for 1869 they were nearly £57,000,000—that is to say, an increase of more than £30,000,000 sterling, or 115 per cent. I hope, therefore, it will be only after due consideration that that Treaty will be abrogated, and, at all events, that after its abrogation we may still retain that cordiality which has so long prevailed between the two nations.

Now, Sir, the House will have listened with intense anxiety to that paragraph in Her Majesty's Speech which refers to the Treaty of Washington. The country has been startled by hearing that difficulties have arisen in the arbitration which we cordially hoped was about to settle all our differences with the United States. And now we hear, not merely from rumour, but from Her Majesty's Speech, that—

"Large claims have been included which are understood on my part not to be within the province of the Arbitrators;"

and I venture to say that the British nation will re-echo that understanding. There will be no inclination on the part of this House or the country to impute any improper motives or unfair dealings to that great country, America, to which we are so closely related; but at the same time it cannot be forgotten that misconceptions have by some means or other arisen; and the earnest desire on this side the Atlantic, and I believe also on the other, is, that these misconceptions may be cleared up, and that all

differences may be brought to an end. It is stated in the public Press that the American case assumes that there was a strong feeling on the part of this country against the Northern States. We cannot account for the sympathies of individuals; but we are entitled to point to the fact, that if on the part of some there existed sympathy with the South, there was on the part of others, and a very large portion of our fellow-countrymen, a strong sympathy with the Northern States. This is not a question of theory, but of facts. The vast cotton industry in the north of this country, threatened as it was with ruin, and feeling, as the operatives concerned in it did, the pinch of poverty and want, faced that rather than utter one single word in disparagement of the North. And, in speaking of the losses sustained by the cotton industry, I think I am entitled also to make this remark—that it seems to have been inferred, on the part of the United States, that we were about to prefer some claim for compensation on account of the losses sustained by that industry, and in other ways. If such a notion existed in the United States, I may venture to say it never was for one moment entertained in this country. We believe that claims of that sort, for indirect losses, are, to use the words of Her Majesty's Speech, "not within the province of the Arbitrators;" and I trust that when it is understood on the other side of the Atlantic that these claims are not made by this country, we shall hear nothing more of the indirect claims which have been unhappily preferred. And not only should we regret that this arbitration should fail on account of the matter immediately involved, but because it would bring the principle of arbitration into disrepute. If I mistake not, the American nation has been from its earliest history favourable to arbitration for the settlement of international disputes, and I hope, therefore, that no permanent difficulty will arise in this settlement; but that America and this kingdom will soon settle their differences by a fair and legitimate arbitration.

Passing from foreign affairs to domestic ones, it is a happy thing for a country when it feels, not only that it has peace abroad, but prosperity at home. And I think I can appeal to the experience of many Gentlemen in this

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House, and to the Revenue Returns, the Board of Trade Returns, and the Banking Clearing House Returns, whether this is not the fact. And I believe our prosperity is sound and legitimate, and not due merely to a temporary inflation of prices—all classes of trade partake of it. There is also another wholesome feature in it, and that is, that the working classes of this country partake of it as well as the capitalists. Perhaps the House will allow me to give certain figures, for which I am indebted to the hon. Gentleman the Secretary of the Board of Trade, and which will be published in a few days, respecting the exports and imports of the United Kingdom for the month of January past. They are really so startling that some explanation is necessary, and I understand it is this—during the past month of January some ports were kept open in consequence of the mildness of the weather, which were not kept open in January, 1871; but, even allowing for that deduction, there is a large margin left. Now the figures are—the imports into the United Kingdom for the month of January, 1871, were about £24,500,000, and for January, 1872, they exceeded £30,000,000. The exports from this country for January, 1871, were £11,500,000, and for January, 1872, £19,000,000. This shows a very healthy state of trade. We have also been told that one proof of the prosperity of our country is the reduction in the amount of pauperism, and it is very satisfactory to know that for the month of October last, the last for which Returns have been published, the reduction of pauperism amounts to nearly 50,000 persons.

We are promised, in a paragraph in Her Majesty's Speech, Estimates "suitable to the circumstances of the country;" but I trust that the right hon. Gentleman the Chancellor of the Exchequer will not feel that, because we happen to be unusually prosperous, he is bound to increase our taxation proportionately. At all events, if we are to have a large expenditure, I should like to see it take the form of the reduction of the National Debt.

We are also promised a Ballot Bill. I trust that without any unnecessary delay the House will agree to it, and will send it up as speedily as possible to "another place," so that there may be ample time for discussing it there. I hope that the

measure will not be confined to dealing with Parliamentary elections only, but that its provisions will be extended to municipal elections also, because I believe that the latter are often the nurseries for bribery at Parliamentary elections. My right hon. Friend (Mr. Forster) informs me that it will relate to municipal as well as Parliamentary matters.

We are also promised a measure in relation to sanitary affairs, and I am sure the country will receive this with very great satisfaction, for the state of our sanitary affairs is not at present satisfactory. I hope, however, that when the right hon. Gentleman introduces the measure, and considers fully the details of it, he will remember the towns which I know best about—I mean the towns of the agricultural districts, which are not wealthy towns. I believe, according to the ordinary course of affairs, money borrowed for sanitary improvements has to be paid back in 30 years; but I see that in educational matters 50 years is allowed. Now, I do not see why for sanitary improvements we should be compelled to pay in 30 years what in educational matters we pay in 50 years.

We are promised also a Bill in relation to the licensing system. All I can say is, that I think something needs to be done. I believe it would be impossible to regulate the liquor traffic off the face of the earth, nor do I think it would be well to do it; but I hope we may have a measure brought forward which will appeal to the common sense of the country, and by which we shall have a much better state of affairs relating to the licensing question than exists at present.

One word before I sit down on the difficult question of Education. If I were to consult my own feelings or convenience, I should probably pass the question by; but, as a Nonconformist, I feel that I should be shirking my convictions if I failed to say a word. As a Nonconformist I cannot but say I regret certain portions of our recent legislation; but, as a citizen, I regret them still more because they tend to promote sectarianism, rather than to place education on a broad national basis. I am sure that the right hon. Gentleman at the head of Her Majesty's Government, and the right hon. Gentleman who had charge of the Bill, will not for one moment im-

gine that we, as Nonconformists, under-value religious teaching; but we have our own convictions of the way in which that teaching is best promoted, and we believe it is better to leave it to the free-will of Christian people rather than that it should be promoted and paid for by the State. Now, in saying this, I desire to sympathize with the position of the Government. It is patent to, and must be admitted by, all, that when the measure was before the House, Nonconformists were not at one on the question, and I am not, even now, prepared to say that every Nonconformist will agree with my opinion on this subject; but the principles we advocate are growing rapidly, and growing daily in the country; and I hope that when the Education question comes on we may discuss our differences fairly and temperately, with the view of promoting education, and bringing it home to every child in the kingdom.

In conclusion, I beg to thank the House for its indulgence; and I trust that the House during this Session will, in the words of Her Majesty's Speech, show both "energy and wisdom," and that our labours may promote the good of the country, and uphold the stability of the Throne.

Motion made, and Question proposed,
"That," &c.—[See Page 48.]

MR. DISRAELI: Sir, although a considerable interval has elapsed since we had the honour of seeing you in that Chair, yet the time appears to have passed somewhat rapidly, and not to have exercised that softening influence of comparative oblivion over our controversies which is so salutary. I attribute this in a great degree to the new system adopted by Her Majesty's Ministers of vindicating their characters and their policy during the Recess. We really have had no time to forget anything. Her Majesty's Ministers may be said during the last six months to have lived in a blaze of apology.

Now, Sir, I must protest against this new system, which does not permit us to return to our labours with renovated physical powers, or with our mental faculties refreshed, as we used to do in old days. I think that for a Ministerial vindication there is no place more fit than the floor of this House; and as for Ministerial explanations, they are of so ambiguous

a nature that even here they are difficult to apprehend, but in the Recess I find them impossible. Besides, the Notices of Motion plentifully given this evening will afford Her Majesty's Government ample opportunities of defending their conduct, past or present. If it is in the power of the Government to prove to the country that our naval administration is such as befits a great naval Power, they will soon have an occasion of doing so; and if they are desirous of showing that one of the transcendental privileges of a strong Government is to evade Acts of Parliament which they have themselves passed, I believe, from what caught my ear this evening, that that opportunity will also soon be furnished them.

I am, at the present moment, unwilling to enter into critical comment upon the numerous subjects introduced into the Royal Speech, because I know there is one subject which at this time engrosses the thoughts and feelings of the people of England. I would willingly confine the few observations which I feel it my duty to make to that subject; but it is difficult, and perhaps would be scarcely courteous, to avoid some notice of the important announcements in that Paper, and I will briefly, therefore, refer to them before touching on the graver matter. From the nature of the paragraph treating upon Ireland, the condition of that country appears to me to be not of so satisfactory a character as I could have desired. Ireland, we are informed, is "free from serious crime." Now, at what degree crime commences or ceases to be serious is unknown to me. Whether it depends upon the mercurial temperament of the Irish people, which may impart to crime a different character, I cannot decide; but it certainly seems to me that while we are informed that Ireland is free from serious crime, there has not of late in that country been any lack either of predial outrage or political violence. But, whatever may be the conduct of the Irish, or the condition of Ireland, I protest against exceptional legislation for that country, and I read with some alarm the following paragraph, respecting which Her Majesty's Government will no doubt give us explanations. It is said in Her Majesty's Speech that "Several measures of administrative improvement for Ireland will be laid before you;" and this follows a statement that—

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"In particular, a Bill, having for its main object the establishment of Secret Voting, together with a measure relating to corrupt practices at Parliamentary Elections, will immediately be presented to you."

Now, I should like to know whether we are under an erroneous impression on this side of the House in believing that the Ballot Bill is only to be passed in reference to Ireland? I should be glad if the right hon. Gentleman at the head of Her Majesty's Government would intimate even by a nod of the head at this moment his decision on the subject, that I may not proceed on an erroneous hypothesis as to the intention of the paragraph. If it be not the intention of the paragraph, I can only account for its strange arrangement and phraseology by supposing that some intervening paragraph has been struck or slipped inadvertently out of the Speech. In the Speech it is said that "several measures of administrative improvement for Ireland will also be laid before you;" but unless the Ballot Bill is peculiarly to be applied to Ireland, no announcement of these measures is contained in the Speech. I cannot, therefore, resist the impression that Her Majesty's Government intended to deal with the "third branch of the Upas tree," and that on mature reflection the reference to it was omitted without the necessary alteration in the paragraph that followed.

I will assume for a moment, then, that the Ballot Bill is to be introduced, and introduced immediately, and that it is to apply to the United Kingdom. I should much regret that precipitate introduction if it causes any delay in those important measures which are announced by the Government, especially the Mines Regulation Bill, and I regret to find that both that measure and the measures founded on the Report of the Sanitary Commission seem again destined to be delayed till the passing of the Bill on Secret Voting. Some allusions have been made by the hon. Gentlemen who have addressed us this evening, to the expectation that the Ballot Bill will be passed almost as a formal measure, in consequence of the discussions of last year, and that it will not much interrupt the Business of this House. Now, I trust there will be no attempt on the part of hon. Members on either side of the House, with regard either to the Ballot Bill or any other subjects, to

carry on an opposition, the only object of which is to cause public delay; but I must repeat what I ventured to assert and maintain at the close of last Session, that I thought that it was unfounded and unjust to say that the discussions that had taken place upon the measure were not highly beneficial. I, for my part, much regret that the Government press on the measure; and I shall offer to the principle of the Bill an unceasing and unflinching opposition. We have now for long generations been building up in this country a great fabric of political freedom, and we have founded that fabric upon publicity. That has been the principle of the whole of our policy. First of all, we made our Courts of Law public; then we made our debates in Parliament public; and during the last 40 years we have completely emancipated the periodical Press of England, which was not literally free before, giving it such power that it throws light upon the life of almost every class in this country, and I might say upon the life of almost every individual. It seems to me, therefore, most inconsistent that in deference to a now obsolete prejudice—for such I will venture to call it—we should deviate from that principle of publicity, and throw a veil of secrecy over the conduct of the most important body in this country—the constituent body, a body which I maintain is as independent as it is powerful. I can easily understand that when you had a limited and feeble constituency, many might conscientiously support the system of secret voting; but that is past. You have now a powerful and a numerous constituency. No one will pretend that acts of oppression can now to any great extent be exercised; the homogeneous sympathy of all classes in the country who possess the franchise would defend any individual or any body that was attacked in such a manner. Then, again, no one can pretend that bribery can be practised now to any great extent, for we have stopped it by removing the venue from this House and establishing local investigation by the Judges—an Act which expires this year, but of which I am glad to understand from Her Majesty's Government they mean to propose the continuance, I trust without in any way affecting its fundamental principles; that Act, I must repeat, has virtually put an end to bribery at elec-

tions in this country. I cannot, however, flatter myself after what occurred last year that I shall be successful in obtaining a majority in this House against the principle of a measure which is not, I think, in harmony with our present constituencies; but I do hope that Her Majesty's Government, when they again bring forward their Ballot Bill, will not recommend it to the House upon grounds that are notoriously inaccurate, and which I trust will not be drawn into a precedent. They pursued that system last year; I hope it will not be followed in the present. When I say grounds of notorious inaccuracy, I may mention two main grounds adopted by the Government, which, I think, are fairly subject to that charge. We were told when it was introduced that one reason for the measure was, that secret voting was the practice of all free States. Now, as we proceeded in our discussions, we found that this was notoriously inaccurate. Secret voting is not the principle of all free States, or even the majority of free States. In all the United States of America, with one exception, voting is not secret, and in Australia—which was brought forward as a great instance—the voting in the most important of the colonies is not secret. It is true it is secret in South Australia, a colony of which I certainly should not wish to speak with any disparagement, prospering, as it happens to be, under the administration of a personal Friend of mine (Sir James Fergusson) who once sat on these benches. I do not think, however, South Australia will be offended if we venture to intiate that her political institutions are not exactly of such a character as to be the type and model of a country like this. Another of the grounds notoriously inaccurate on which the Ballot Bill was introduced was the statement, repeated again and again by Her Majesty's Government, that the Ballot Bill was inevitable, because every man in England had a vote. That was quite inaccurate, and, now that we have the Census on the Table, is notoriously inaccurate. Every man in England has not a vote. The constituent body, though numerous, is confined to a minority, and, compared with the majority, is not by any means a large minority. We have before us the fact that in England one person in every 15 only has a vote. So much for universal

suffrage, at which some say we have now arrived. We have it proved by the Census that there are about 6,000,000 adult males in England, and we know by the results of the last registration that the number of the constituency is probably not more than 1,800,000. So much for manhood suffrage, by which some say we are now ruled. The constituent body of England is a qualified body, as it has always been. It is a minority, but it is a powerful minority. I believe it to be an independent minority; I believe it to be a Conservative minority; and I think the elections which are occurring every day will soon convince those who opposed the late Reform Bill, as well as some who supported it, but, perhaps, were a little frightened in so doing, that they supported and passed a measure of an essentially Conservative character.

I now come to the question which alone would have impelled me to trouble the House to-night for a short time—the paragraphs of the Royal Speech which refer to our relations with the United States of America. Those paragraphs, though I wish not to criticize them with severity, are not, in my opinion, adequate to the occasion. I hope that this is a subject on which I can address you without my motives being impugned or my views misinterpreted. Ever since I have sat in this House—now the greater part of my life—I have always endeavoured to maintain and cherish relations of cordiality and confidence between the United Kingdom and the United States. I have felt that between those two great countries the material interests were so vast, were likely so greatly to increase, and were in their character so mutually beneficial to both countries, that they alone formed bonds of union between them upon which public men might count with confidence. But I could not forget that in the relations between the United States and England there was also an element of sentiment which ought never to be despised in politics, and without which there cannot be enduring alliance. When the unhappy Civil War occurred, I endeavoured, therefore, as far as I could, to maintain in this House a strict neutrality between the Northern and Southern States. There were, no doubt, great differences of opinion, as must occur in events so momentous. Those differences of opinion were shared by hon.

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Members on both sides of the House; but as regards the House of Commons, it is a fact that throughout that great struggle there was never a party fight of any kind in this House upon the subject. There were some at a particular time—for a long time during that contest—who were anxious to obtain the recognition of the Southern States by this country. I never could share that opinion, and I am bound to say that my Friend, the late Lord Derby, with whom I acted whether in Government or in Opposition, was equally opposed to that policy, as was his son, the present Earl of Derby. We were of opinion that had that recognition occurred it would not have averted the final catastrophe; nay, it would not have procrastinated it, and it would at the same time have necessarily involved this country in a war with the Northern States, while there were circumstances then existing in Europe which made us believe that the war might not have been limited to America. I know that at that time very different opinions were expressed by some of the most eminent statesmen of the day. There were expressions tending to favour a recognition of the Southern States attributed to Lord Palmerston and Lord Russell, as well as to some who now sit in this House of not less eminence. I thought they were indiscreet expressions; I thought at the time they did not exhibit that great foresight which, especially in foreign affairs, distinguished Lord Palmerston, and for which I generally gave credit to the other eminent men to whom I have referred. But after all they were only expressions in a free Parliament, in a free country, and though they might have been delivered by Ministers of the Crown, I am bound to say they never affected their conduct in maintaining a complete neutrality with respect to the contest between the Northern and Southern States. Sir, I am unwilling to speak as it were of myself in this vein; but I am vindicating the policy of a party, and I am trying on a critical occasion to prevent misconception as to the sentiment and conduct of England in another country, feeling as I do that we have to deal with probably the most important circumstances that have ever happened, certainly since I have been a Member of this House. I say that when, from circumstances, I was placed in a responsible situation and could

influence the policy of this country, I lost no time, in concert with my Colleagues, in acting strictly in unison with that policy which for years I had supported in Opposition. I conferred with them, and especially with my noble Friend the late Foreign Secretary (the Earl of Derby), and it was in consequence of those consultations that we proposed to refer to arbitration the decision upon the claims which had arisen during the neutrality we had observed in the American War, and which then commenced to take the now popular name of the *Alabama Claims*. That act on our part proved the sincerity of our opinions, and I do not for a moment doubt, and have not for a moment doubted, the wisdom of that policy which recommended the settlement of those claims by arbitration. Well, Sir, it was said in "another place," in the course of important discussions, last year upon this subject, that had the Treaty negotiated by Lord Derby become law between the two countries, it would have been open to the most propterous claims on the part of the American Government—in fact, those indirect and constructive claims with which we have of late become but too familiar. Now, this is not an occasion on which I would defend the policy of the Stanley-Johnson Treaty, for we have much to speak on to-night, and I fear that this is a subject on which we shall have only too many opportunities of offering our opinions; but I will remind the House, in passing, that when the Senate of the United States rejected the Treaty negotiated by Lord Derby for submitting to arbitration the *Alabama Claims*, it was rejected on this distinct ground—that it shut the United States from preferring, under its provisions, these indirect and constructive claims which are now the subject of so much attention and anxiety. Well, Sir, when our successors followed the same policy, and resolved—I think, wisely—to negotiate on the same principle of referring those claims to arbitration, we gave them—though it might not have been necessary—our approbation, and were prepared to give them our support. You must remember that when the Senate rejected the Treaty negotiated by Lord Derby, these indirect and constructive claims first assumed what I may call an authentic and formal shape. When the Government of which I was a

Member first proposed to refer the claims to arbitration, they were unquestionably only claims that could be preferred in consequence of injury and destruction by the direct acts of any privateers which might have left Her Majesty's ports; but when the Senate rejected the Treaty on the ground to which I have referred—namely, that it did not include the indirect and constructive claims, those claims were heard of for the first time. We were then told, for the first time, that we were expected to give compensation not merely for the direct acts of those privateers which might have left the Queen's ports, but for a variety of things—such as the loss incurred by the transfer of the carrying trade from the American to the British flag, from the increased premiums of insurance arising from the consequent prolongation of the war, and the expenditure incurred by the United States in carrying the war to a termination. That was the first occasion when these constructive claims were preferred. Well, the Government of the right hon. Gentleman then took a bold step, a step which might have been criticized, but which I do not criticize, which I approved at the time, and which I am ready to uphold. They proposed that the diplomatic venue should be changed—that the Treaty should be negotiated at Washington and not at Westminster. I approved that step. But that step must not be misconceived. There were grave reasons which rendered a chance of success in negotiating a Treaty between England and the United States greater at Washington than at Westminster. The peculiar character of the constitution of the United States, the influence of the Senate upon foreign politics, and the contiguity of those who negotiated the Treaty to the Members of the Senate, would afford the opportunity of ascertaining that which would probably obtain acceptance, and of overcoming any prejudices that had to be removed; all those favoured Washington. But the House must not for a moment suppose that because the negotiation was carried on at Washington instead of Westminster the direct control of Her Majesty's Government—whoever might form that Government—was in any sense or for a moment by that circumstance diminished. I will venture to say not a sentence—nay, not the punctuation of a

period—was ever allowed, without being submitted to the scrupulous and anxious examination of those who had the responsibility of controlling the negotiation. And, therefore, when we talk of what has happened at Washington, and indulge in superficial conclusions that certain consequences have occurred through the inadvertence, or inaccuracy, or neglect, or carelessness of any individual who may have been at Washington, we are really assuming what cannot be the fact. The Government of England had the responsibility, and whoever may form that Government will never shrink from their responsibility in the negotiation of a Treaty of that kind. This Treaty was negotiated under the immediate, if not the personal, supervision of Her Majesty's Government, and I have no doubt that the noble Lord the Secretary of State for Foreign Affairs and the right hon. Gentleman at the head of Her Majesty's Government gave to that negotiation their most anxious and their most scrupulous attention.

Well, I come now to the point when this Treaty arrived in this country. When this Treaty arrived, I, for one, saw many things in it which I did not approve: I regretted very much the *ex post facto* dealing with the Law of Nations. I thought that perilous, and I could not persuade myself that it was necessary. There were other things in the Treaty to which objection might be made, but not of so great moment. But I conferred with my Colleagues. I conferred especially with my noble Friend the Secretary of State of the late Government and with the noble Lord the Lord High Chancellor of the late Government, men most capable of comprehending such affairs and of affording a sound judgment upon them, and, though they disapproved equally with myself—and perhaps more—of these concessions, and even had other objections to the Treaty, they were clearly of opinion that it was impossible, according to our Constitution, for the Houses of Parliament to interfere. They felt that the Treaty was, in fact, completed, from the language of the credentials of the negotiators, which pledged Her Majesty's Royal word that she would sanction everything which they should sign—that, in fact, it was a complete Treaty, not merely morally, but legally, without the form of ratification. Circum-

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stances might occur in a negotiation carried on by a single person in a distant country, in which it may be of the utmost importance that ratification should be withheld. But under the circumstances under which the Treaty of Washington was negotiated, the two Houses of Parliament were stopped in any way from interfering. They could not interfere with any effect; and what could be more unwise when such a Treaty had been negotiated—when there was a prospect of a cordial and enduring understanding being established between England and the United States—what could be more improvident, what more unpatriotic than that the time of Parliament should be taken up by captious criticisms, which could only have tended to exacerbate feelings on the other side of the water, and to destroy all the beneficial effects which we hoped had been accomplished? But although in consequence of those feelings no action was taken by the party with whom I act, either in this House or the other House of Parliament, still it was fated that a discussion should take place upon the subject. One of the most eminent statesmen of the day, a nobleman who long led this House, and whose name, although I was his opponent in politics, I shall never mention—certainly not in the House of Commons—but with that respect and admiration which he deserves—I mean Lord Russell—felt it his duty to call the attention of the House of Lords to this Treaty. Lord Russell, eminently a constitutional statesman, probably had doubts about the question of ratification; and he was not clear that the House in which he sat might not express its opinion on the subject of the Treaty, and might not by its vote form some obstacle to its being carried into execution, though I think that the course of the debate proved that the noble Lord had no great faith in that position, and that he had really brought forward the subject to vindicate his own views, and to point out the impolicy of the provisions which he denounced. But that debate eventually turned out to be of the greatest importance upon the question that is now agitating the country—because the argument of Lord Russell was that we had made unwise and unworthy concessions to the United States of America—and he pointed particularly to

the *ex post facto* dealings with the principles of International Law to which I have referred. He thought, as I thought then, that they were perilous, and perhaps he thought they were unnecessary. But what was the answer of Her Majesty's Government in the House of Lords? I will not trouble the House with extracts. I have not come down with passages copied from *Hansard*, because I know nothing is more wearisome than the reading of such extracts; but I feel sure I shall not misrepresent any noble Lord who spoke on that occasion. When Lord Russell attacked the Government on the unwise concessions they had made in the Treaty of Washington, what was the answer of Her Majesty's Government? "True, we have made these concessions, and we are about to vindicate these concessions. We believe that they were wise and politic; but you quite forget the greater concessions made by the Government of the United States—you quite forget that they waived all those indirect and constructive claims which they formerly pressed upon us," and which, by way of taunt, and unjust taunt, Lord Granville told Lord Derby might have been preferred under the Treaty which the Senate of America had not ratified, on the alleged ground that under that Treaty such claims could not be preferred. "Now," said Lord Granville, "this is a great and beneficial Treaty to both nations, but it is most advantageous to England;" and reciting and referring to the elaborate enumeration of the indirect and constructive claims made by the American Secretary of State, Mr. Fish, Lord Granville said—"Instead of this, we have secured a limited area of defined claims, and we have given to the whole proceedings a limited and defined character. Under this Treaty we can only be called upon to give compensation for proved acts of destruction which have been directly occasioned by privateers." That is enough, I think, to prove what was the view of Her Majesty's Government with regard to the Treaty. But I must be allowed to pursue the subject a little further. The opinion of the noble Lord the Secretary of State ought, I think, on such a subject, to be deemed sufficient. But this is a subject which I much fear will not easily disappear from the notice of Parliament, and a too-wide and accurate

knowledge of the opinions of public men upon it cannot be circulated. It so happens that Her Majesty's Chief Commissioner at Washington was present at this debate, for he is a Member of the House of Lords. Lord De Grey, now Marquess of Ripon, spoke on the subject, and he spoke, like Lord Granville, at great length. He reiterated, in most distinct terms, the interpretation placed upon the Treaty and accepted by Her Majesty's Government—and not only accepted by Her Majesty's Government, but made by them a subject of boast, and justifiable boast, of their success, and of the advantages which had accrued to England in consequence. There were other Members of the Administration who addressed the House on that occasion, but I will refer only to one—namely, to the Lord High Chancellor of England, who occupies a peculiar position with reference to this question. The Lord High Chancellor of England is at the head of his learned profession. He is a lawyer placed in the Cabinet for various reasons no doubt, but certainly in old days on constitutional principles perhaps more in vogue than at present. The presence of that great officer in the Cabinet was upheld and defended on the ground that he should always be present with his great authority to guide the servants of the Crown in the interpretation of treaties and in the framing of the language of conventions, and in the exact and precise character of all the Monarch's engagements. Now, what does the Lord High Chancellor of England say? No language could be more precise than that of the noble and learned Lord. He deigned again to repeat the taunts which had been levelled at the head of Lord Derby, because the Treaty which my noble Friend had negotiated the noble and learned Lord erroneously thought would admit those claims. But instead of that he said—"We have given you a precise instrument. The character of this Treaty is limited. You know exactly what risks you will incur. You are responsible for the acts of privateers alone, if you have not shown due diligence;"—and to use the precise words of the noble and learned Lord—"all is limited and everything is definite." I say, then, there can be no doubt that in the month of June, 1871, now a distant period, there was no doubt in the opinion of

Her Majesty's Government as to the intention and meaning of the Treaty of Washington. Well, I want to know from Her Majesty's Government, in the first place, when they address us to-night, what was their authority for these representations? The negotiations were secret—I have no cognizance of them—they were secret from the beginning. Was there any secret Protocol? Was there any secret Article in the Treaty? Was there any written document of any character whatever which would justify their speaking with that confidence? I am sure the right hon. Gentleman at the head of Her Majesty's Government will feel that on an occasion like the present it is his duty to speak to us most definitely on that subject. But let me pursue this theme another step. These expressions of opinion were given in the proudest Assembly in the world—in the Parliament of England. Statesmen of the highest character and reputation, of all parties, expressed their opinion upon that Treaty. It is impossible that the American Government could be ignorant of those utterances. The Case of the American Government, which I suppose is in the hands of hon. Gentlemen—probably it is not, though it is in the hands of everybody else, for I have observed that information is occasionally very late in reaching hon. Members of this House—is known everywhere, it has been printed and translated, and circulated in every Court, and Cabinet, and country of Europe. What do we find in the American Case? We find extracts of speeches of my Lord Palmerston, and extracts from the speeches of my Lord Russell, and from the speeches of the right hon. Gentleman, which, according to the American Government, years ago countenanced a policy favourable to the recognition of the Southern States. Can we suppose that a people and Government of so delicate and prompt a susceptibility should be ignorant of the debate which was held in the House of Lords in June, 1871? And, if so, can we doubt that they would have had some communication with Her Majesty's Ministers? I want to know from the right hon. Gentleman whether any communication was had with Her Majesty's Ministers? Did they hear from the Representative of the United States in London, or from the Secretary of State in Washington, through our own Minister. Did they

receive any protest from the United States Government at the monstrous interpretation placed on the Treaty of Washington by the Secretary of State for Foreign Affairs, by the chief negotiator of the Treaty, and by the Lord High Chancellor of England? We have, I think, a right to know that, and I hope the right hon. Gentleman will tell us. Now, we are informed in the Speech from the Throne, that—

"Cases have been laid before the Arbitrators on behalf of each party to the Treaty. In the Case so submitted on behalf of the United States large claims have been included which are understood on my part not to be within the province of the Arbitrators. On this subject I have caused a friendly communication to be made to the Government of the United States."

Now, in the first place, let the House clearly understand what is meant by the statement that in the Case submitted on behalf of the United States large claims have been included "which are understood on my part not to be within the province of the Arbitrators." The claims are those indirect and constructive claims to which I have referred, and, if not completely, so far as I know accurately described. They are claims to compensation from this country for losses occasioned by the direct action of privateers which may have left the ports of Her Majesty from want of due diligence on the part of Her Majesty's Government, and the destruction which they caused upon the marine and upon the commerce of the United States. But they claim compensation also for the transfer of the carrying trade, in consequence of those acts, from the American to the British flag; for the raising of the premiums on insurance during the period of the Civil War; and especially and specifically for the expenses occasioned during the last two years of the war—that is, the prolongation having been occasioned, according to this view, by the privateers that had escaped from our ports. Now, that being the case, I want to know when this friendly communication was made by Her Majesty's Government to the Government of the United States? and I think the House has reason to press the Government upon that point. Look at the facts. I do not think that the House is well treated by these frigid and jejune paragraphs. They are apt to mislead; they are apt to impress the House with the idea that this, which is the most important question that can

come before the House of Commons, is in the mind of the Government a question of only comparative importance, and to be met in an ordinary manner. When were they informed of this Case of the American Government demanding these enormous claims—claims which were properly described by Lord Derby last year as "wild and preposterous?" When were they first brought under the notice of Her Majesty's Ministers? I have heard that the Case has been in the possession of some persons in this country for more than a month, and it is not to be supposed for a moment that they had the advantage of priority of information over Her Majesty's Ministers. When, then, was this Case presented to Her Majesty's Ministers—this Case demanding compensation which might inflict on this country a tribute greater than could be exacted by conquest—one that would be perilous to our fortunes and fatal to our fame? When were Her Majesty's Government in possession of this "wild and preposterous demand?"—these being the epithets used by a statesman of cool temperament and rational mind. I ask Her Majesty's Ministers when they were first in possession of this demand? If they were in possession of this demand a month ago, did they then send this "friendly communication" referred to in the Royal Speech? We have, I think, a right to ask the right hon. Gentleman opposite to-night—not what was the nature of this communication, for I am sure the discretion of the House, under the difficult circumstances in which they are placed, would give the Government all fair play—but I have a right to ask when this "friendly communication" was made to the American Government? If I had received that demand a month ago I should not have lost time in making "a friendly communication" in reply; and long before this period an answer might have been received by us to our "friendly communication." I press this point upon the House, because I think it is one upon which we ought to receive full information from Her Majesty's Government. I repeat, I do not ask them to give us information of what that "friendly communication" contained; and I think we ought to allow Her Majesty's Ministers to follow their own course in this respect. Let us, as the House of Commons, endeavour, in the

difficult position in which we are placed, to take at this moment a forbearing, but still a firm view of these circumstances. So far as the meagre information in Her Majesty's Speech will enable us to form an opinion, it seems to me that a Treaty has been negotiated between two powerful countries, united, I still hope, by feelings of cordiality, and that each Power applies to that document a totally different meaning and interpretation from that which is applied by the other. What is the course which, under such circumstances, ought to be taken? I can conceive no misfortune greater than that the people of the United States, on the one hand, should suppose that the Queen of England was, for a moment, contemplating a forfeiture of her Royal word. On the other hand, I can conceive nothing more deplorable than that the people of England, who throughout these transactions have behaved, I maintain, in a spirit of true friendship to the United States—in a spirit of real generosity, and who have been ready to make great concessions, and who have acted, to use the language of the American Case, as became "those who have a brotherhood of blood"—I can conceive, I say, nothing more deplorable than that the people of England, after such concessions, should believe that they have been treated by the United States Government in a spirit of cunning and chicane. These are the two great evils which we see, and which, if possible, we ought to avert. I confess, for myself, that there appears to me no course to be taken by Her Majesty's Government in this case but one of extreme frankness. It does appear to me that if we get into a Serbonian bog of diplomacy upon this matter the consequences may be enormous and fatal. It is one of those questions which ought not to be allowed to drag its own slow length along. It is a question that ought to be met with entire frankness and friendship. Her Majesty's Government should say—"We have signed this Treaty, and we have one interpretation of it; you have, much to our astonishment, placed upon it an interpretation perfectly different. It is impossible for us to consent to conditions which the honour of this country forbids, which the ordinary calculations of prudence that should govern and regulate the pro-

ceedings of all States condemn, which are too monstrous to enter into the heads of any practical and responsible statesmen. And, as it is impossible for us to accept your interpretation, we ask you whether you will not, on reflection, believe that ours is the just and true interpretation—and if you do come to that conclusion, we are prepared to adhere to every letter of our engagements—but if you will not do this, then we ask you to cancel, with no ill-feeling, a document which was intended to conciliate and cement the feelings of friendship between two great countries, but which has, unfortunately, led to results so opposite and so mischievous." I hope the right hon. Gentleman will speak in that vein to-night. I have not spoken to embarrass the Government. I wish to support the Government. I wish to strengthen the Government. I wish that the Government, in communicating with the United States, should show that they are supported by the Parliament and the people of England. The people and the Parliament of England from the first were anxious that these claims of the two countries and the two Governments should have been settled in a spirit of conciliation; and if there were to be concessions, that those concessions should be upon the side of England. But we cannot, in justice to ourselves, to those who have preceded us, and to those who will succeed us, consent to propositions too enormous for practical purposes, wholly preposterous, as they have been described, and which, if persisted in, can only lead to an alienation of feeling, which no one in this House, or in this country, will more deplore than myself. I will not trespass for more than one other moment on the attention of the House. But there is one paragraph in the Speech which requires no criticism; it deals with a subject on which we are all agreed and that touches the hearts of all. I am confident that we can most sincerely assure Her Majesty of our sympathy with her during the late terrible circumstances which, at one time, threatened so seriously both the happiness of Her Majesty and the welfare of this kingdom. The unexpected and startling events connected with the illness of the Prince of Wales have evoked and manifested the deep loyalty of this country and the personal affection which is felt by the people towards the Prince. After

all his sufferings it must be an ennobling solace to him to feel that he possesses the affections of his fellow-countrymen. And we in this House—of whom probably there is not one who is not personally acquainted with the Prince—know that he is entirely deserving of their confidence and their affection.

MR. GLADSTONE: Sir, I wish to express on the part of the Government—and I think I might say on the part of the House—an obligation to my hon. Friends who have moved and seconded the Address, for having introduced to us the topics contained in the Speech in a manner remarkable for good taste, for ability, and for undeviating judgment. But before I touch on those topics, I must allude briefly to the observations which fell from the right hon. Gentleman opposite (Mr. Disraeli) upon some few matters not mentioned in the Speech. The right hon. Gentleman adverted to the administration of the Navy. As to that important subject, I will only say that at present we have but one duty to perform, and that is to express our readiness that the subject, in all its parts, should be submitted to the same searching scrutiny which last year we engaged to institute into the case of the *Megara*—an engagement I trust it will be thought, that by the institution of the Commission now sitting, we have done our best to redeem. Another subject is the appointment of Sir Robert Collier. The right hon. Gentleman, following the strain of others, has charged us with evasion of an Act of Parliament. A distinguished political Friend of his—Lord Derby—remarkable among other points rather for the use of measured than of unmeasured language, has also charged us with violating the provisions of an Act of Parliament by a transparent evasion. And to-night the hon. Member for South-west Lancashire (Mr. Cross) has given Notice that he will move a Resolution relating to the same matter. This is not an occasion on which it would be becoming in me to enter into the merits of that appointment. My noble Friend the Lord Chancellor and myself have endured in silence, and I hope it will be admitted with tolerable patience, unceasing attacks; constant rain of invective—I admit by no means confined to political opponents—which has been discharged upon us for having violated and evaded an Act

of Parliament. So far from complaining of the right hon. Gentleman for having referred to this subject, or of the hon. Member for having given Notice of his intention to bring it under the notice of the House, I rejoice that, as they entertain that opinion, they mean to submit it to the judgment of Parliament. The fact, however, that the hon. Gentleman chose a Friday for his Motion suggested to my mind that he intends it as an Amendment on going into Committee of Supply. I trust that is not the case, for the Motion ought to be a direct and substantive Motion. Short of positive acts of treason and disloyalty, I know no heavier charge that can be made against a Minister of the Crown than that of deliberate evasion—and all evasion is deliberate—of an Act of Parliament. I trust then, Sir, that the issue will be fairly raised. No complaint will be made; every assistance will be given on our part to the taking of the judgment of the House upon a matter with respect to which the country has, for so long a time, been very largely addressed through the medium of the Press, and by the mouths and pens of public men. I do not think it is necessary for me to say more at this moment; unless, perhaps, it be right, now that we have reached the place where this issue can be tried, that I should respectfully assure the House that we shall be prepared to rebut the charge, to maintain the construction which, in good faith, we have put upon the Act of Parliament, and to contend that the opposite construction, while it is not required by the text of the statute, is mischievous to the public service.

I now come to the topics which are contained in the Speech. The right hon. Gentleman has just alluded at the close of his able address, and in the tone which I should have expected from him, to the illness of the Prince of Wales. It is not a little remarkable—I may say it without fearing the reproof of exaggeration—that almost the whole of that Recess, which the right hon. Gentleman said had passed so quickly, has been divided between the severe, serious, and painful illness of Her Majesty, which occupied the earlier portion of the time, and the yet more severe, perhaps less painful, but far more alarming illness of His Royal Highness the Prince of Wales. I am sure that, had it not been for the extra-

ordinary appeal which that latter malady has made to public feeling, we should have felt that the former illness was one which made a strong call upon our sympathies. Her Majesty was a great, as well as a patient sufferer, and I regret that she still is unable to declare herself altogether free from the traces and consequences of that illness. At the same time, she entertains—and is sanguine in entertaining—the hope that she will be able to join with a large portion of her subjects in person, and I might say with all her subjects in heart, in returning a solemn thanksgiving for the mercies which the nation has received. The illness of the Prince of Wales will, I believe, Sir, be remembered in history as a marked political event. It is rarely that such an opportunity is afforded to a people of indicating what are its true and real feelings respecting the great and central institution of the country. If there were those who, in any portion of this country doubted as to the real character of those sentiments, that doubt, at least, can subsist no longer. As Britons we could not but feel a lively satisfaction in noticing the extraordinary and electric rapidity with which public sympathy extended itself beyond the limits even of these islands. It is said, and said truly, that the Queen has an Empire on which the sun never sets; but wider even than the Empire of her sceptre was the range of that electric sympathy. In the most remote of her colonies—among the vast populations of India—among those separated from us as widely as man can be separated by race, language and belief—in countries, even, which we must call foreign, notwithstanding their unity of blood; especially—and I am glad to make the reference on this occasion more emphatically—throughout every part of the United States, as well as in every portion of Europe, there rose up to Heaven prayer and supplication for the deliverance and recovery of the Prince of Wales. It was not merely an English or a British, it was not merely an Imperial, it was a world-wide sentiment which was evoked. These events, so remarkable, although they could not be witnessed at the moment they occurred by the illustrious personage whom they most nearly concerned, have been made known to him since, and have been fully understood and valued by the Prince,

distinguished as he is for his kindly and genial disposition, so receptive and appreciative of attachment. It is my firm conviction that the trial of health and peril of life which he has been called upon to pass through will leave an enduring mark upon his heart, as well as upon his memory, during all the years of life which it may please Providence to vouchsafe to him.

The announcement of the intended Thanksgiving has been received in this House as we fully expected it would be received; and I believe that we shall have but one mind and one heart among us in our desire to join, and even to join personally—at least, where no absolute impediment intervenes—in this act of thankfulness on the part of the nation.

Sir, the course of the discussion tonight—as far, especially, as the Speech of Her Majesty is concerned—has been confined to comparatively a small number of heads. And I am desirous to shorten my reference to some of the points on which the right hon. Gentleman touched. I must, however, say a single word about Ireland. The right hon. Gentleman commented on the statement in the Speech that, with very few exceptions, Ireland has been free from serious crime; and he declared that he knew of no criterion by which he could distinguish crime which is serious from crime which is not serious. Well, the right hon. Gentleman in that remark reproduced the ideas of Draco. But it is rather more than 2,000 years since that distinguished personage drew in the vital air, and I really was under the belief that the distinction between crime serious and crime not serious was pretty well understood. I will not say what construction the phrase might be subjected to if it happened to be embodied in a treaty; but for ordinary purposes of parlance, and for the purposes of the Queen's Speech, I think that the phrase is definite enough, and that it conveys both a perfectly intelligible, and a not less satisfactory, assurance to the House. In former years we were obliged to admit, even although we had to lament, the wide prevalence of agrarian crime in Ireland. Last year we had to state that it prevailed intensely, though not widely, in a particular portion of the country; and I think we should have failed in our duty if we had not humbly

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advised Her Majesty to place it on record this year that these painful circumstances have ceased, and that with few—I think I might say the very fewest—exceptions Ireland during the winter has been free from serious crimes.

The right hon. Gentleman thinks that a paragraph referring to Irish education has dropped out of the Speech. That was a most ingenious solution for him to offer of a difficulty which is due to another and a very simple cause. I assure him that he has undergone no such serious loss as would undoubtedly have fallen upon him if he had been defrauded of any one of the paragraphs of this Speech. But the accidental transposition of two of the paragraphs of the Speech has given rise to an interpretation of which, no doubt, he was perfectly entitled to avail himself.

With respect to the question of secret voting, considering that before 48 hours have elapsed, my right hon. Friend by my side (Mr. W. E. Forster) will be engaged in explaining—indeed, may possibly have finished—his explanation of the views with which the Government introduce and desire to press that measure, I may think myself dispensed from the necessity of travelling over the ground opened by the right hon. Gentleman. I do not acknowledge the arguments which he has been so kind as to put into our mouths; but our quarrels on that head, such as they are, may stand over. For, as he himself has observed, we have grave matters on our hands to-night. As respects the measure for the Regulation of Mines, the right hon. Gentleman has complained that this is postponed to make way for the Ballot. But the Ballot, so to speak, has possession of the House; and has, therefore, Parliamentary precedence. And I must own that I doubt whether the reproach, which I think unfounded in itself, comes well from the right hon. Gentleman, who, when he last took office, found ready the very recommendations, being, as they were, the proceeds of the labours of one or more Committees, now embodied in the Mines Regulation Bill; and yet during the two or three Sessions that he held office he postponed the subject altogether, in order that he might carry forward political matter which he judged, and perhaps rightly judged, to be of even more pressing importance.

However, these are matters comparatively small in comparison with the great subject on which the right hon. Gentleman has justly bestowed a large portion of his speech. The right hon. Gentleman remarked that, in his judgment, the paragraph which described our views upon the *Alabama Case* was not a paragraph adequate to the emergency. If I may presume to draw the distinction, I am prepared to contend that it is adequate to the emergency, in the sense of being adequate to the time at which, the circumstances under which, and the persons by whom it is offered. The right hon. Gentleman, not being placed under precisely the same limitations as those persons who advised the Speech, is perfectly justified when, in his place in this House, he goes forward to consider what consequences are to follow from the important proposition there announced. But I venture to give a confident opinion—and, further, even to claim his assent to the statement—that the duty of the Government, and of those who represent England in a correspondence and in a controversy, if such I may call it of this vast importance, is to limit themselves absolutely and strictly to that which at the moment the necessity of the case requires. Our object is to make it not difficult, but easy for the Government of the United States to meet us. And if we are so minded, it is obviously and plainly our duty to state the case to the Government of the United States, and especially to state it to the public of this country, in the mildest terms which will suffice, and, as nearly as we can, to be satisfied with assuring the understanding of the nation that we do not undervalue the momentous importance of the question.

The right hon. Gentleman has entered upon an historical review, into which it is not necessary that I should follow him, further than very humbly to echo the declaration that he has made, and the claim that he has advanced on his own part, that he should himself be favourably interpreted on a question which I believe he has always—which I myself can bear witness that he has on many occasions—treated with that judgment and discretion which are among the best fruits of an enlightened patriotism. It is not necessary, however, for me to follow the right hon. Gentleman in detail through that portion of the Speech in

which he dealt with the Clarendon-Johnson Treaty, or with the Stanley-Johnson Treaty. There were some historical points on which, I think, he was not entirely accurate; but they are hardly relevant to the pith of the matter now before us. With respect to his observation that Lord Granville, and I think some other Member of the Government, declared that under the Stanley-Johnson Treaty these enormous claims for indirect losses might have been pleaded by the Americans, I will only make the two following remarks. In the first place, I am confident that no one will be more glad than Lord Granville to find upon close examination, if such be the case—and I am given to understand it is the case—that these indirect claims could not be pleaded under the Stanley-Johnson Treaty. Secondly, if there was an impression in the House of Lords, at the time to which the right hon. Gentleman has referred, that a door was opened in that Convention for the introduction of indirect losses, that impression at least does not seem to have been confined to Lord Granville. It appears to have been shared by Lord Cairns, who is reported to have placed the former and the latter Treaty on the same footing, and to have expressed an apprehension that under either of them it would be allowable that indirect losses should be pleaded. My belief, and I think I share it with the right hon. Gentleman, is, that at no time have we acceded to an instrument, not only at no time have we meant to accede to an instrument, but at no time have we acceded to an instrument under which these claims can be legitimately produced or sustained.

The right hon. Gentleman has spoken of the vastness of the claims which may be advanced under this head. He has said that they approximate to the tribute exacted by the victorious from the vanquished at the termination of a sanguinary war. I think that when the right hon. Gentleman used those words he had in view the payments which were imposed by Germany on France—payments four times, six times, or even ten times as great as are furnished by the principal examples in history. I do not know that the payment actually made by France after the Great War amounted to more than a fifth or at the very utmost a fourth part of that sum.

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Now, it is perfectly true that the American Case does not state any figures for indirect loss; but, together with other documents of authority, it supplies *data* from which figures may be computed by no very elaborate or doubtful process. I will not now enter into those *data*; but, as far as a judgment can be formed upon them, and comparing them with the official estimates made by the highest American authorities of the total charge of the Secession War, I do not hesitate to say that the statement of the right hon. Gentleman, bold as it was, was, in my opinion, not only within, but very considerably, I might say very largely, within the extreme limits to which these claims may be extended. I only say this to show that, in my opinion, and so far as my knowledge goes, nothing that has yet been said as to the amount of these claims has in any way partaken of exaggeration. But it is not their amount on which we stand, excepting—and this is important—that the amount of the claims is an important element in the presumptive portion of the argument—namely, in dealing with the question whether it was possible or conceivable that it could enter into the mind of any country to admit the presentation of any such claims at all.

Next, Sir, the right hon. Gentleman has very properly adverted to the important subject of responsibility; and he contends that while the Commissioners are not responsible, and while Parliament is not responsible, the whole of the responsibility rests with the Government. I will endeavour to state my view of this part of this question briefly but with clearness. I hold that whatever responsibility rests with Parliament in this great matter is between the Members of the House of Commons and their constituents. It is for the constituencies, and not for us, to establish Parliamentary responsibility, if it is to be established at all. I do not entirely apprehend or follow the doctrine of the right hon. Gentleman on the subject of the ratification of this particular Treaty; but it is not necessary for me to enter into a contest with him upon the subject, because I agree with him unconditionally that the Government cannot cast off any part of their responsibility upon Parliament. Still more is this true with regard to the Commission; and when I consider how much we are indebted to its members

for their intelligent, patient, and energetic labours, I cannot but regret to see cast upon them, anywhere or in any degree, the blame of what has occurred. If there is matter for blame, which at present I do not admit, at any rate no portion of it attaches to the Commission. The right hon. Gentleman says, and says truly, that it was the business of the Government here to watch and follow the negotiations at all their points. That duty the Government have performed to the best of their ability and means, and we shall, I hope, therefore hear nothing in this House about the responsibility of the Commissioners, for any responsibility which might originally have attached to them, is now absorbed in that of the Government; and whatever there may be found in this transaction that deserves blame attaches to us and to us alone.

Now, Sir, I proceed to ask, do we deserve that blame? I ask first, is there ground for blame in the Treaty of Washington itself, apart from the construction which we now find put upon it?

The right hon. Gentleman says that there was much to object to in the Treaty. And I do not stand here for a moment to deny that by the Treaty, such as we construe it, large and even extraordinary concessions have been made to the American Government. I think we were justified in making those concessions, considering the peculiar circumstances out of which the claims arose, the length of time which had elapsed since they had first arisen, and the feeling, above all, which habitually prevails among the people of this country with respect to the United States. For although it is the duty of this country to be governed by justice in all its transactions with other nations, if there was one country to whom the people of England were willing to give more, and from whom they were willing to exact or demand less than another, that country I believe to be the United States of America. In the opinion of many high authorities, it was a very great concession to submit our conduct to arbitration at all. I admit that, as far as my own impression goes, arbitration was a thing in itself reasonable under the circumstances; but I cannot treat the contrary opinion, considering by whom it is held, as of no weight or value. But it was undoubtedly a great concession — the

right hon. Gentleman thinks it was an unwarrantable concession—to establish in the shape of the three Rules a retrospective standard of action by which our own conduct was to be tried. That was not done lightly but advisedly. It was a large concession to the United States; and by it we are prepared to abide. Another concession, and one not I think undeserving of notice, was this. The Government of this country conceived that, in connection with the Fenian invasion of Canada, and with much which had preceded that invasion, we were entitled to make large claims upon the United States of America for indemnification, and to urge complaints of palpable and serious wrong. Who could easily have blamed us if we had said—“We agree to arbitration upon the *Alabama* claims, but we agree to it only on condition of your going to arbitration upon the claims arising out of the Fenian invasion, and belonging generally to the Fenian case?” We did not insist on including these claims. Our not insisting was a remarkable concession—a concession, I believe, made wisely and advisedly, but still a concession most liberal in itself. There is one other point, and a very material one, which the right hon. Gentleman has not noticed. I do not know whether hon. Gentlemen have fresh in their minds the Protocols presented to them last year. If they refer to those Protocols, they will find that in one of the recitals the American Commissioners are stated to have produced a very carefully classified sketch of the claims they were about to make. These claims were divided by them into direct losses and indirect losses due to the *Alabama* and the other vessels which I may call her sisters. Among the indirect losses come the premium of insurance, the loss of trade, the prolongation of the war, and the addition to the cost of the war by its prolongation—a claim which is treated as apparently distinct from the claim made on account of the prolongation of the war. There is also a separate statement of the heads of direct loss. Now, what are the direct losses which we have consented to admit to be placed in the arbitration at Geneva? According to the view which would present itself to any impartial man, of course you would be disposed to anticipate that they could only be at the utmost the value of the ships and cargoes

destroyed by the cruisers, and nothing else. It is not so. The American Commissioners put forward, under the head of direct losses, claims not only for the ships and cargoes destroyed by the *Alabama* and her sister ships, but likewise for the whole charge incurred by the American Government in fitting out and sending cruisers in pursuit of these vessels, and our liability in this respect we have consented to refer to arbitration. Of course we shall contend, and I trust we shall show, that these claims ought not in whole or in part to be admitted; but there stands the fact, that we have consented to plead upon them, and by our consent we shall abide. I am not sure that I may not have surprised, and even startled, the House by this recital. I trust I have not suggested to the mind of any hon. Member by this communication that the Treaty is disadvantageous, and that therefore we may with advantage allow it to drop on account of the American claims for indirect losses, for I well know it is not in this light that solemn engagements with a foreign country are viewed by the House of Commons. And I think that what I have said may in some part serve to show to this country, show to the United States, and even show to the civilized world, that we were not using a merely empty phraseology when we said, in the early stages of this negotiation, that we were determined to stretch to the utmost all the considerations which were capable of undergoing such a process; that everything except national honour and national safety should be risked for the object we prized so dearly—namely, the thorough re-establishment of cordial relations with the United States. It is, I admit, a fair matter for discussion and consideration in the House whether the concessions which I have enumerated were or were not too large. I shall feel no resentment or surprise if we are questioned, or even blamed, as to some particulars for having made them. However, I need not say that if we have gone these lengths, if we have made these remarkable concessions, if they were embodied in the Treaty, and if we are prepared, as of course we are prepared, to abide by them, there must at last, somewhere or another, be a limit to the business of concession.

And now the right hon. Gentleman has put to me certain questions which I

will endeavour to answer not perfectly, but as well as I can from memory, without a minute and precise reference to documents, which I do not happen to have at hand. First, Sir, the right hon. Gentleman has put to me one question of the greatest importance—whether in the debate in June, 1871, carried on in the House of Lords and reported in *Hansard*—a book with which we know the framers of the Case under this Treaty for America to be familiar—several Ministers of the Crown did not declare, in terms the most explicit, that we had obtained the exclusion of these claims for indirect loss from the matters to be submitted to arbitration. That, I believe, is strictly true; and the right hon. Gentleman assumes—and I think is right in assuming—that by some process or another these declarations must have come to the knowledge of the American Government. On this statement and this assumption, both of them indubitable, the right hon. Gentleman further asks, whether any protest has been made on the part of the United States against those perfectly explicit and—as on our part—authoritative declarations? My answer is as brief and as simple as possible—that no protest of the kind, within my knowledge, has been made in any shape or form. The right hon. Gentleman then states he will not ask me what communication we have made to the Government of the United States; but he presses me upon the inquiry at what time we became acquainted with the American Case, and upon what date our own communication was made to the American Government? I need scarcely say that the prior duty of the whole strength of the Foreign Office was the preparation of the British Case. That Case, I think, occupies a folio volume of near 200 closely-printed pages, and as soon as it was presented it required to be translated for the use of some of the Arbitrators, with a care scarcely less than that bestowed upon the original. The American Case arrived in the shape of an octavo volume approaching 500, if not 600 pages. When copies of it arrived, it was, I believe, found necessary to reprint it, of course confidentially, for the use of the Cabinet. I believe that the right hon. Gentleman is right in saying that more than a month has elapsed since the Case was first sent to the Foreign Office; but it has not been in my possession, if I recollect

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rightly, for more than about a fortnight, while most of the other Members of the Government have not had it so long as myself. The right hon. Gentleman is perfectly justified in the scrutiny he thus institutes; but this was a matter in which we would take no step without careful examination and repeated deliberations; and it was, therefore, only on Saturday last that the communication mentioned in the Speech was actually forwarded. I think I have answered the questions of the right hon. Gentleman, as far as the circumstances of the moment will permit, and I now desire to revert to the statement which has been made from the Throne. The Queen has been advised to say to the Houses of Parliament—

"Cases have been laid before the Arbitrators on behalf of each party to the Treaty. In the Case so submitted on behalf of the United States, large claims have been included which are understood on my part not to be within the province of the Arbitrators."

I have stated that I believe that declaration to be adequate for the first word in this matter, but I am far from saying that it will also be adequate for the last word. It has been assumed that there is a great ambiguity in the documents; and if there is, it undoubtedly follows that very serious blame accrues to those who have been parties to the framing of documents of such importance in terms of such ambiguity. It has been repeatedly said—I speak of many of the articles which I have read in the London journals on this subject—that we really never meant that indirect losses should be placed before the Arbitrators, and that, on this ground, we beg to be let off from having them considered. But we do not mean merely to take our stand upon the ambiguity of the Treaty; we do not propose to allow in argument that it may bear two contradictory senses, either of which can with equal plausibility or with equal fairness be put forward. We have advised the Queen to state in her Speech the construction which, as to certain claims, we put upon the documents. This construction, we believe, we can show to be the true and unambiguous meaning of the words, and therefore to be the only meaning admissible, whether tried by grammar, by reason, by policy, or by any other standard; and not one of several conflicting and competing meanings, which can

all alike attach to the Treaty, but the just meaning, which it unequivocally bears. I do not hesitate to say that so far as we are concerned we shall not take for the principal groundwork of the argument our title to an escape from the difficulty upon a plea of doubtful and disputed interpretation. It is never safe to say in argument exactly or finally what you will do until you hear what the other side have to say, and as we have not yet had that advantage, I speak with due reserve, and subject to correction on further and better information. But as far as we ourselves can judge, according to the best critical process we can apply to this document, we see no reason to admit that any fault in point of ambiguity has been committed; and we shall appeal to the direct and authentic sense of the document itself for confirmation. At the same time we do not make that appeal to the text of the documents alone. We appeal to the declarations referred to by the right hon. Gentleman—to the public declarations of the British Government in June last, uncontradicted and received without protest in any quarter. Again, different Articles of the Treaty afford distinct and independent arguments of great force in favour of the interpretation, for which we shall be prepared to make our claim. We do not think that the first Article, even taken by itself, bears the construction which it has been endeavoured to attach to it. To other Articles we are disposed to make special reference. Again, of course, we reserve to ourselves the right to fall back on the plea that a man or a nation must not be taken to be insane, or totally devoid of the gift of sense. But it amounts almost to an interpretation of insanity to suppose that any negotiators could intend to admit, in a peaceful arbitration, claims of such an unmeasured character as the right hon. Gentleman has partially described, such as I for a moment glanced at, and such as it is really impossible to have supposed the American Government to intend. For these would be claims transcending every limit hitherto known or heard of—claims which not even the last extremities of war and the lowest depths of misfortune would force a people with a spark of spirit—with the hundredth part of the traditions or courage of the people of this country—to submit to at the point

of death. I now, however, confine myself to an argument founded, I grant, on probability and on assumptions only. It aims simply at a demonstration of the absurdity of the supposed interpretation; but it is surely a well-known principle in the construction of all public documents that you are never to presume absolute infatuation or insanity on the part of a negotiator, when a rational construction of the terms of an engagement will exempt him from such a suspicion.

I do not know that I need trouble the House further upon the argument in this case. But I may state that I look forward with a sanguine hope to the course which it is likely to take. We have intimated to the American Government in distinct but courteous terms that which at first was necessary to be said. We have not stated what our course would be in the event of contingencies which have not yet arrived, and which we think and hope never will arrive. We believe that we are standing before a tribunal of reason, and that this question should be tried in a reasonable way. We have to rely on the friendly disposition which prevails on the part of the people of England towards the people of the United States. We have also to rely on the disposition which we believe to prevail on the part of the people of the United States towards the people of England. There are, no doubt, different modes of procedure prevailing on the other side of the Atlantic from those which prevail on this side of the Atlantic. There are different habits and usages, the growth of institutions, and of political and social circumstances, such as every free nation will develope and shape into the form most congenial to itself. I have adverted to the welcome given to His Royal Highness the Prince of Wales during his American visit, and to the manifestation of feeling at his illness. Only this very day, as I opened an American newspaper, there fell from the inside a sheet of no mean poetry, worthy of a more permanent form of record, referring in terms of the deepest feeling to the anniversary of the Prince Consort's death, and to the renewed and profound interest which that anniversary on its last return brought with it. How can I fail to assume that if, as I believe, we are equally strong in the language of the documents, the general reason of the Case, and the proof of intention, the weight of these consi-

derations will be first carefully tested, and then equitably recognized, by those with whom we have to do?

But there are, we also feel, other parties to this controversy besides England and America. Our lot is cast in an age when the whole of civilized mankind tends more and more to form, as it were, an unity; not, indeed, as far as action is concerned, but as far as the circulation of opinion and the formation of judgment are concerned. We live now in a time when the collective opinions of mankind are capable, far more than heretofore, of being formed into deliberate judgments on great questions as they arise. The opinion of the civilized world will, without doubt, be formed and pronounced in a manner informal perhaps, but perfectly intelligible on this matter; and it will doubtless form one of the important elements for consideration in reference to the Treaty of Washington. The intelligence and diplomatic skill of Europe have been already directed to the consideration of the question at issue, and I rejoice to find, from the manner in which the Continental Press has treated the subject, that the character of the judgment, so far as it has been arrived at, is in conformity with the opinion declared by us, that certain claims made by the United States are understood by the Crown of Great Britain not to be within the proper province of the Arbitrators. I hope then, Sir, that the right hon. Gentleman may be disposed to think that the Government are not unwise in limiting themselves to this declaration. We reserve to ourselves the power to point out to the Government of the United States, if there shall be occasion, that the claims which we understand to be put forward by them are of such a character that no nation with its eyes open, or in possession of its senses, could be supposed capable of admitting them even at the last extremity, and much less, then, in a free, rational, and independent negotiation between two great countries; but my present reference to this subject is made simply for the purpose of a general argument, and in order to throw light on the supposed character of the negotiation. We have gone no further with the United States than was necessary to raise the matter to be discussed as between friends in a friendly spirit. It was in a friendly spirit that the Treaty

Mr. Gladstone

was formed; and it is in a friendly spirit that this great and mortifying impediment, as the right hon. Gentleman justly termed it, will be met and encountered, as I believe, by the Governments concerned; but under no circumstances, as I need hardly say, shall we allow ourselves to swerve from our sacred and paramount duty to our country.

MR. O'REILLY entered his protest against the omission of all allusion to the subject of Irish Education in Her Majesty's Speech. Four years ago the Prime Minister had announced his intention to do complete justice to Ireland, and he indicated three measures which he said it would be necessary to pass to cut down the offshoots of the Upas tree of Protestant ascendancy. Two of these subjects he had dealt with—namely, the Disestablishment of the Irish Church and the reform of the Land Laws. He had not, however, yet touched the question of the reform of the laws relating to education in Ireland, and the Roman Catholics, who formed the great body of the population of that country, were in precisely the same position as the Dissenters in England were before the passing of the University Reform Bill of last Session in respect to obtaining degrees in the Roman Catholic Universities of Ireland. He hoped that before long a statement in reference to the matter would proceed from the right hon. Gentleman.

SIR JOHN GRAY said, the feeling expressed by the hon. Member for Longford was shared by almost every Irish Member. After the manifestations of public opinion made in Ireland on the subject of education it had been expected that some announcement would be made in Her Majesty's Speech as to the course which the Government intended to take with reference to the question. The right hon. Gentleman at the head of the Government had alluded to the unity of the civilized world; but measures of conciliation towards Ireland would do far more than Continental opinion to quiet American bunkum and remove the American difficulty, and he regretted that the right hon. Gentleman, although challenged to do so, had distinctly avoided any reference as to what were the intentions of the Government with regard to remedying what was at present the greatest wish of the sister kingdom—the unfair and unequal state

in which the education of that country was placed.

Motion agreed to.

Committee appointed, to draw up an Address to be presented to Her Majesty upon the said Resolution:—MR. STRUTT, MR. COLMAN, MR. GLADSTONE, MR. CHANCELLOR OF THE EXCHEQUER, MR. SECRETARY BRUCE, MR. SECRETARY CARDWELL, MR. GOSCHEN, MR. WILLIAM EDWARD FORSTER, MR. AYRTON, MR. STANFIELD, SIR HENRY STOKES, MR. KNATCHBULL-HUGESSON, MR. WINTERBOTHAM, MR. CAMPBELL, MR. GLYN, and MR. ADAM, or any Three of them:—To withdraw immediately:—Queen's Speech referred.

House adjourned at half after eight o'clock.

HOUSE OF COMMONS,

Wednesday, 7th February, 1872.

MINUTES.]—SELECT COMMITTEE—Euphrates Valley Railway, appointed; Kitchen and Refreshment Rooms (House of Commons), appointed and nominated.

PUBLIC BILLS]—*Resolution in Committee*—Ordered—First Reading—Burials* [1]; Permissive Prohibitory Liquor* [3]; University Tests (Dublin)* [9]; Spirituous Liquors (Retail)* [11]; Public Worship Facilities* [18]. Ordered—First Reading—Game Laws Amendment* [4]; Salmon Fisheries* [5]; Infant Life Protection* [6]; Fires* [7]; Albert and European Life Assurance Companies (Inquiry)* [8]; Salmon Fisheries (No. 2)* [10]; Registration of Borough Voters* [15]; Hosiery Manufacture (Wages)* [16]; Game and Tresspass* [12]; Public Health in Rural Places* [13]; Sites for Places of Worship and Schools* [2]; Marriage with a Deceased Wife's Sister* [14]; Royal Parks and Gardens* [17]; Local Legislation (Ireland)* [19]; Women's Disabilities Removal* [20].

MR. SPEAKER'S RETIREMENT.

MR. SPEAKER addressed the House, announcing his intention of retiring from the Chair, as follows:—Before the commencement of Public Business, I would ask leave to say a few words to the House. I am very glad of the opportunity which has been permitted to me of again meeting this House, and of explaining to them in person the reasons why I feel it necessary to withdraw from the Chair. I hope the House will not think that I am running away from en-

gements entered into, or from labour which it would be in my power to perform. Such is not the case. I have been happy in the service of the House, for a considerable period of years, and I shall quit the Chair with regret. To preside in this House, to live in friendly intercourse with its Members, and to take some small share in smoothing the course of the great machine of Government is, to me, honour sufficient. I have no ambition beyond it. But the labour of the House has of late years been very great, and last year it was excessive, it much overtaxed my strength, and I have not been able, during the recess, to rally from the effects which it produced upon my health. I feel that I now could only offer to the House imperfect service; and, rather than that, I think it is more becoming to ask leave to withdraw. With regard to the exact time of my withdrawal, I should desire to consult the convenience of the House. I shall resume the Chair to-morrow at the usual time.

MR. GLADSTONE: Sir, the nature of the announcement which you have now conveyed to the House, and likewise the deep and genuine feeling which has prompted its conveyance, and the marked manner of its conveyance, must render this a special occasion to us. I am quite sure that it calls forth in the mind and heart of every man who has heard your sentiments entirely answerable to your own. But, Sir, this is not the occasion on which the House ought to be invited to express the feelings with which it is affected. I shall therefore restrain for myself—and I hope that others will likewise, in conformity with usage, be contented to-day to restrain—that which it must be in our minds, and almost upon our lips, to utter. I will proceed simply to give Notice of two Motions which I propose to move to-morrow. The first of these is—

"That the Thanks of the House be given to Mr. Speaker for his distinguished services in the Chair during a period of nearly fifteen years; that he be assured that this House fully appreciates the zeal and ability with which he has discharged the duties of his high office, through many laborious Sessions, and the study, care, and firmness with which he has maintained its privileges and dignity; and that this House feels the strongest sense of his unremitting attention to the constantly increasing business of Parliament, and of his uniform urbanity, which have secured for him the respect and esteem of this House."

I shall also on the same occasion move—

Mr. Speaker

"That an humble Address be presented to Her Majesty, praying Her Majesty that She will be most graciously pleased to confer some signal mark of Her Royal Favour upon the Right Honourable John Evelyn Denison, Speaker of this House, for his great and eminent services performed to his country during the important period for which he has, with such distinguished ability and integrity, presided in the Chair of this House."

These Motions will be moved to-morrow at half-past 4 o'clock.

SIR JOHN PAKINGTON: Perhaps the occasion for Motions of which the right hon. Gentleman at the head of Her Majesty's Government has given Notice for to-morrow will be a more appropriate one for the expression of those feelings by which I am sure every hon. Member on both sides of this House is animated; but, in the unavoidable absence of my right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), I cannot refrain from saying one word to express how heartily I myself—and I am sure every one of my Friends on this side of the House—sympathize with those expressions which have fallen from the right hon. Gentleman. I will not on this occasion detain the House with many words, but will simply, Sir, say that which I am sure will be more grateful to your feelings than many words, and which will be to express my earnest hope that your retirement may at once lead to the restoration of your health, our deep regret that your health should have been impaired, and our cordial assurance that you will retire from the position which you have so well filled in possession of the respect, the gratitude, and the attachment of every hon. Member of this House.

THE ADDRESS IN ANSWER TO THE QUEEN'S SPEECH.

Report of Address brought up, and read.

MR. OSBORNE: Sir, not being immediately connected with either of the two great parties who were addressed by their respective Leaders last night, I trust I may be allowed, as an independent Member of Parliament, to make a few observations upon the bringing up of the Report. However the Speech may be criticized, I must say that I think Her Majesty's Ministers have exercised a wise discretion in not loading it with the promise of a number of measures hereafter to be destroyed in the

month of July. If Her Majesty's Government can succeed in passing a good Mines Regulation Bill, a Licensing Bill which will be approved by the licensed victuallers and by my hon. Friend the Member for Carlisle (Sir Wilfrid Lawson) and if, in addition, they will bring in a good Ballot Bill, not encumbered by useless clauses, I think the Session will not be unproductive of fruitful results. But, Sir, I observe that there are several measures of which Notice has been given of acknowledged public interest, and among these I observe that there is one for the improvement of Scotch education. Now, I should like to ask the right hon. Gentleman connected with Ireland, whether the subject of national education is not one of acknowledged national interest in Ireland; and whether Her Majesty's Government intend this Session to bring in any measure connected with Irish education? Passing from that, I wish to make a few remarks upon the Commercial Treaty with France. We all know that it was passed in 1860, through the exertions of Mr. Cobden, and that it is now in process of "denunciation," if it has not been actually "denounced" by the French Government. In any difficulty that might arise out of such probable denunciation, I would, for the following reason, entreat Her Majesty's Government to make all allowances for the position of France. She is in unexampled difficulties, and I cannot help thinking that we might on a former occasion have assisted her a little in those difficulties; that if we had stepped in—["No, no!"]—stepped in and used our influence with Prussia, as we might have done, to let her off something of that enormous sum which she has got to pay, the French Government would not now be denouncing the Commercial Treaty. ["Oh, oh!"] What is the use of the Foreign Office, if it has no influence to use for the defence of our neighbours and friends? However, I do not wish to raise any discussion on this subject with those political purists who maintain that we should never, under any circumstances, depart from the principle of non-intervention, but should for ever maintain a position of intense—of what I would call Buddhist—contemplation of our own selfishness. I pass over these questions; they are insignificant, they shrink into comparative nothingness compared with the vast

question which took up so much of our attention last night in reference to the Treaty with the United States. What is the position of this country at the present moment with regard to these claims "growing out" of the acts of the Alabama and several other vessels? Why, probably it is the most momentous that Parliament has had to entertain during the whole of the present century; and, moreover, it has appeared strange to me that, with a right hon. Gentleman (Sir Stafford Northcote) sitting in this House who had a hand in making this Treaty, we have no direct information whatever as to how this bungling business has been brought about. There seems to be a sort of conspiracy on both sides to let down these Gentlemen, who have cost us an enormous sum of money, as easily as they can. But I would ask the House, and through it the country, to consider for a moment, if the business of any mercantile firm in the country were conducted on similar principles, what would become of its business? Why, it would be in *The Gazette* to-morrow! We have heard something as to the construction of this Treaty; but how did it all arise? The right hon. Gentleman at the head of Her Majesty's Government has taken up a position which no other man in this country has ever as yet taken up. He talked of the energetic labours of the High Commissioners, and he maintained, logically and grammatically, that there was no ambiguity whatever in this Treaty. "Ambiguity?" I do not profess myself to be as good a judge of phrases of ambiguity as the right hon. Gentleman; but where there is a spontaneous agreement on the part of the whole Press of the country that there is this ambiguity—and more than ambiguity—I feel sure that not even the most bigoted followers of the right hon. Gentleman—not even his greatest flatterers, will follow him in maintaining that there is no ambiguity whatever in this Treaty. If there is no ambiguity, what is the dispute about, for no one can deny that differences have arisen respecting it? But I am fortified on this point by an opinion as to the ambiguous nature of this Treaty, which I will read to the House, and then I will give my authority. Speaking of extravagant claims that might be made under this Treaty, he says—

"But what is there in the present Treaty to prevent the same thing? I cannot find one single word in these Protocols or in these rules which would prevent such claims from being put in and taking their chance. . . . But, on the other hand, I maintain that the Treaty is one which, so far as the *Alabama* claims are concerned, the Treaty has been entered upon most carelessly and most unguardedly, and must inevitably lead to much discussion hereafter in Parliament."—[*3 Hansard*, covi. 1889-90.]

That is the opinion of a late Lord High Chancellor of England, speaking in "another place" last year upon this very Treaty. And yet, in the face of this, we are told by the right hon. Gentleman that there is no ambiguity, and we are asked—and this House is seemingly content—to pass away from the origin of this most disgraceful business to the Government of this country—for I agree that it is a Treaty the responsibility of which must rest entirely with the Government. How this disgraceful business arose, we need not go far to ask. What was the constitution of the American High Commission? It consisted of five lawyers—the most experienced and astute men in the United States—in fact, of the description of legal gentlemen whom it was the fashion in that country to designate as "contentious lawyers." And whom did we send out to meet those lawyers? It was said in "another place" by a noble Lord that this Treaty was the greatest slur on our diplomatic reputation that could be conceived. I demur to that statement; it is no slur on our diplomatic character. The most experienced and distinguished diplomats of this country—men who had drawn treaties and were acquainted with International Law—were set aside in favour of a band of gentlemen amateurs, who, however high their social position, and however distinguished in debate in this House, had no sort of knowledge—I do not say of International Law, but of the drawing up of treaties, unless, indeed, of this American character. But who were the British Commissioners? It was thought that the selection of a noble Earl, a Member of the Cabinet (Earl De Grey and Ripon), a most genial man, and distinguished in this House for having first introduced the practice of competitive examination for the public service, would be peculiarly agreeable to the citizens of a great Republic, and when the right hon. Baronet (Sir Stafford Northcote) a Mem-

ber of Lord Derby's Government was selected, it was thought that would be peculiarly agreeable to hon. Gentlemen on the other side. But when, in addition, they dug out from his hermitage in the University of Oxford a Professor of International Law, who had written a treatise expressly directed against all claims, direct or indirect, on account of the *Alabama*, this House, and the people of this country generally, confided in this amateur Commission, because they thought that, guided and coached by this Professor from Oxford, the Commission could never be flattered or outwitted. But what have been the results? Why, the result has been that this Treaty, constructed to strengthen the friendly relations between Great Britain and America—this Treaty, which was to inaugurate the Millennium, has landed us in a state of things which makes confusion worse confounded. Indeed, so much so is that the case, that I am sure Her Majesty's Government would be delighted to send out another High Commission, and to grant additional, if not higher, honours to the Members of that Commission for abrogating the Treaty than the honours which they granted for negotiating the Treaty, before the ink was yet dry on this disputable document. We are told of the energetic labours of this Commission, of the sacrifices which they made for an ungrateful country, and we have also heard something of a private understanding between them and Mr. Fish that these claims were to be waived. Private understandings as to a diplomatic document! I do not—and I am certain that this country does not—understand such things as private understandings. I want to know why there was no public mention of these claims in the Treaty, excluding them beyond all possibility of doubt. Why, actually in the American case—which has only been, as we are given to understand, one week in the possession of the Government, though a friend of mine has had it for four weeks—we find it expressly stated that our Commissioners, as early as the 8th of March, were informed that these indirect claims would be put in. Was there any protest made? They may have protested over the table of Mr. Fish, or at the social meetings in New York; but no protest appears on the face of the document, and no reasons are assigned why these indirect claims

Mr. Osborne

should not be put in. I want to know what the energetic labours of these Commissioners have come to. At first, they made a great mistake in not listening to the amicable settlement proposed by the American Commission. Those five lawyers had no great wish to go to arbitration—and I doubt whether arbitration may not yet lead us into several awkward positions. I have reason to believe that they offered to take a lump sum for damages, direct and indirect; and that the "amicable settlement" which we hear of amounted to this, that they would have taken £6,000,000 in satisfaction of all claims. What will they take now, for that is the question? Why, the long and the short of it is, that these five astute American Commissioners ran round our Commissioners, who, with an ingenuity almost unparalleled in the traditions of the Foreign Office, have contrived to create an *ex post facto* law to enable Great Britain to tax herself to pay claims which Her Majesty's Government declare at the same time are neither just nor deserved. These are the energetic labours of this High Commission! Why, if we had sent out a shrewd practising attorney what money he might not have saved us; and, moreover, do you think we should have heard any more of these indirect claims? Why, independently of other expenses, the mere cost of reference by the electric cable—the punctuation of the periods which we heard of last night—amounted, as I understand, to a sum of between £28,000 and £30,000. Therefore, if we had sent out an acute solicitor—if we could only have persuaded a keen man of business, like the hon. and learned Member for East Sussex (Mr. G. B. Gregory), to go out on our behalf, he would have drawn you up a Treaty for £10, about which there would have been no ambiguity whatever, and which the right hon. Gentleman at the head of Her Majesty's Government need not to have laboured so hard to defend. Instead of this, we are landed in a Serbonian bog of diplomacy. I would just put this question to the House, whether it is not worth while to consider the propriety of revising our whole system of making treaties? Why should the right of ratifying treaties be vested exclusively in the Ministers of the Crown? Look at the difficulty this Treaty has landed us in? whereas, if it had been brought

before Parliament for ratification, we should have avoided the unparalleled mischiefs which seemed to have followed from its adoption. In saying all this, I think no hon. Member of this House has any right to make complaint of the conduct of the American Commissioners; they were five shrewd, able lawyers, knowing what they wanted and how to set about it; they served their country well, and they have gained a diplomatic triumph. We have no reason to reflect on them; but we have great reason to look at home. What is our future position? That Treaty leaves us at the mercy of a special tribunal—a Board of foreign Arbitrators—no doubt most distinguished jurisconsults, whatever that means, because I have heard these Commissioners of ours called distinguished jurisconsults—but our case is to be put before these men. Three of them do not speak a word of English. Already this Case has been translated months ago into Portuguese, French, and German—for, by-the-by, one of the arbitrators does not even speak French. And yet these men are to be put into the position of being able to say that this country should pay—I take the estimate of the right hon. Gentleman—hundreds of millions. Why, the thing is ridiculous. There is only one course, as it seems to me, for Parliament to pursue, independent of the Government and the High Commissioners. Parliament holds the purse-strings, and I do not know the British Parliament if it ever consents to pay one sixpence in discharge of indirect claims growing out of the *Alabama* or any other vessel. At the beginning of these meetings of the High Commissioners, our "jurisconsults" were informed that there was a provision in the Constitution of the United States whereby, even if a treaty were signed by all the parties then present, including even the President himself, the Senate could abrogate it and throw it out altogether. I say, let the British Parliament imitate the example of the United States. The right hon. Gentleman says he has a sanguine hope that the Americans will withdraw these claims. Whether his hopes may be realized or not I have no idea; but of this I feel certain, that, whatever Government may be in power, both sides of this House will combine in one thing—and that is, that they will never consent to pay these enormous

sums, which, in the first instance, were never justly due, and which could never have been demanded from this country at all if it were not for the greatest possible bungling on the part of a Government which, having, in the words of one of their own supporters in "another place," constructed armies that cannot march and navies that cannot swim, has now tried its hand on treaties which will not stand.

SIR WILFRID LAWSON said, he must take advantage of that occasion to say a few words on the proposed domestic legislation of Her Majesty's Government; and, in doing so, he must thank the Government for their promise to revive the question of the Ballot at an early period of the Session. He was also rejoiced at the decision which had been come to of dividing the measure into two parts; one dealing with the Ballot almost pure and simple, and the other with corrupt practices at elections. He hoped the measure would be passed without delay, and that no excuse would be afforded to persons in "another place" for dealing with it otherwise than in accordance with the wishes of the great majority of the people and their Representatives. He must say he regretted the Government had not stated as explicitly as he could wish their intention to bring about some reduction of their enormous expenditure, and there was the less reason for its maintenance at the present level, as Her Majesty's Ministers assured the House that they had no foreign complications whatever, except the one so recently under discussion, which he hoped would soon be satisfactorily settled. They had not at present any foreign foe to contend with, but they had foes at home in abundance, in the shape of pauperism and crime; and although those foes, they were told in the Speech, were diminishing, that diminution was going on so slowly as to be hardly perceptible. They all remembered that last year the right hon. Gentleman the Secretary of State for the Home Department (Mr. Bruce) brought forward a Bill the object of which was, by regulations affecting the licensing system, to promote the diminution of pauperism and crime. By that conduct, the right hon. Gentleman obtained great credit, and justly so, for being the first Minister who, after 15 years of promises, had ventured to deal boldly with the

question in the House of Commons. That Bill excited a tremendous agitation among the publicans; and his right hon. Friend thought it right, after a very few weeks, to withdraw that Bill — though not, as he said, out of deference to any opposition which it had created, but simply from want of time to proceed with it; he, however, consoled himself with passing a suspensory measure which did not diminish the evil of excessive drinking, but, by stopping increase of licences, prevented things becoming worse. But, although his right hon. Friend withdrew his Bill, the publicans did not forgive him, and they had seen how active that body had been at every election that had been held during the Recess. When they saw yesterday three new hon. Members walk up that House and take their seats for the first time, he could not help thinking they looked like three avenging angels sent by the hon. Member for Derby (Mr. M. T. Bass) to punish his right hon. Friend for his treason to the ale kings of this country. The hon. Member for Derby and his friends had stated at their recent festival, that "they wanted no legislation, and that their object was to get the people of this country to drink twice as much as they did now," and he would, therefore, ask his right hon. Friend to tell the House what he intended to do. It was only about a fortnight ago that his right hon. Friend held a conference with these men, and in that conference his right hon. Friend appeared to take what he (Sir Wilfrid Lawson) might term a new departure in this measure, for he told them that the object of the Government was not in any way to interfere with the legitimate enjoyment of the people. Of course, by legitimate enjoyment he understood his right hon. Friend to mean the establishment of public-houses among them. Last year his right hon. Friend's policy was to limit the public-houses, but now it was something different, being apparently to increase the large and respectable public-houses. [Mr. BRUCE: And to decrease the disreputable ones.] An hon. Friend near him suggested that his right hon. Friend's present policy was to encourage all legitimate jollity, but these were not the words which his right hon. Friend had employed. According, however, to the definition which appeared to be furnished by his right hon. Friend's speech, a respectable house—and it was

these his right hon. Friend wished to see increased—was a house where a deal of drink was sold, and a disreputable house where only a small quantity was disposed of. Well, his right hon. Friend having made that speech to the great ale kings, the report says they went away highly gratified with the interview. His object in making these remarks was merely to ask the Government what was their present policy with regard to this question—whether it was one of extension or restriction? It certainly did seem as if the Government had changed their policy in reference to this subject, and the reason of that change, according to the speech recently delivered at Dover by the hon. and learned Gentleman the Solicitor General (Mr. Jessel), was because of the opposition offered to it by certain Members of the Liberal party, who believed that the interests of the licensed victuallers had not been handsomely dealt with. Such a statement coming from one of Her Majesty's Ministers cast a very strong shade of suspicion on the policy of the Government in reference to this matter. There was no subject in which the people of this country took a greater interest, and yet the right hon. Gentleman did not even propose to introduce the measure he had prepared until three others had made some considerable progress. He was far from charging his right hon. Friend with trifling with so important a question, but he could not help feeling that the people of this country were entitled to more earnestness in this matter at the hands of his right hon. Friend. He did not wish his right hon. Friend to rise up and state the details of the measure which he intended to introduce, but he would distinctly ask his right hon. Friend whether he was going on the broad line of the policy which he announced last year, or on the line of the new departure contained in the speech which he delivered to the brewers' deputation the other day? In other words, was his right hon. Friend going to cast in his lot with the public or with the publicans? He believed that if the Government would only go straightforwardly to work in this matter they would not only achieve a great legislative triumph, but also cover themselves with greater honour than by anything they had hitherto done.

MR. CAVENDISH BENTINCK said, he did not rise for the purpose of going over the ground so well traversed by the hon. Member for Waterford (Mr. Osborne), but simply with a view to asking Her Majesty's Government a question with regard to the construction of the Treaty, for he believed it was one of great importance to his constituents and to the shipping interest generally. There were a vast number of claims against the United States, and, as the right hon. Gentleman at the head of Her Majesty's Government was aware, it had been his duty to advocate many of those claims, and he estimated that they amounted to between £15,000,000 and £20,000,000. They were not to be dealt with by the High Commission, whereas the *Alabama* claims were to be dealt with by that tribunal, and if it failed to determine the amount, the matter was to be referred to a Board of Assessors at Washington. In the 10th Article, relating to the adjudication of the claims, no mention whatever was made of interest, but under the American Case a claim for interest was made down to the day of payment at the rate of 7 per cent. The 15th Article, under which the British claims were to be adjudicated upon, provided that all sums of money awarded by the Commissioners should be paid by one Government to the other within twelve months after the award without any interest or without any deduction. Now, if any misconception existed on a matter of such importance to British claimants, he trusted the Government would at once clear it up. There were two other points also which he thought ought to be cleared up—one of which related to the practice of vesting the whole power in the Plenipotentiary, and then being bound by the Treaty without any ratification. That had been stated as the invariable practice, but it was not so. In 1816 and 1831 Treaties were entered into for the payment of the Russian-Dutch Loan, and in both these cases it was necessary for Parliament to vote the money, the Plenipotentiaries only recommending a Vote for the sums required. The other point to which he referred was that relating to Protocols. It had been stated that the cost of telegrams alone amounted to £25,000 or £30,000, and it had been calculated that they would produce a Blue Book of 700 pages. There were also a vast number

of other communications, and he wished to know why they had not been presented to the House? In this respect the House was not on an equal footing with the Legislative Bodies in the United States, because there the whole of the Protocols had been printed and made Parliamentary Papers. It was clear that on such an important matter as interest on British claims they were not placed on an equality with those of the United States. He trusted the right hon. Gentleman would give some explanation that would be considered satisfactory to those whose claims he had so frequently advocated. In common with many others he was much surprised to hear that the Government had determined to include among the direct losses the cost of the United States Navy. In no document did that admission appear, and he trusted that the right hon. Gentleman would think twice before he finally acquiesced in such a dangerous and pernicious principle.

MR. HORSMAN: Whatever difference of opinion, Sir, there may be upon other points, it is satisfactory to find that we are at least unanimous as to the relations which ought to exist between ourselves and the United States, and in our approval of the course the Government is at this moment pursuing in the face of the difficulties that have arisen. I confess I came down to the House yesterday with some anxiety to hear the statement of the Government with regard to the present position of affairs, and I think I may say for the House generally, that the feeling was that the statement received from the Government was, as regards the present position and course of the Government, entirely satisfactory. It is not a time now to ask whether anybody is to blame, or who is to blame; neither is it the time now to ask how the difficulties were brought about. We all feel that there has been a misunderstanding, and we are satisfied that the Government really believed that these indirect claims had been excluded. We are satisfied, too, that we had made greater concessions to the United States than we should have made to any other Nation—than we should have made to a stronger Government, because there are relations between us which exist between ourselves and no other country. We believe there has been a misunderstanding, and that without imputing

blame to either side. The only question we have to consider now is, what is our actual position, and it will be as well to remember a saying of President Lincoln—"You ought not to swap a horse while you are crossing a ford." I certainly attach a great deal of importance to what has been said by the hon. Member for Waterford (Mr. Osborne), about the necessity and importance of Parliament ratifying all treaties. My hon. and learned Friend who has just spoken (Mr. C. Bentinck) has complained of the secrecy in which these matters have been involved, as compared with the opposite conduct evinced by the Government of the United States, and in answer to him I must say that I have more than once asked the House to assist me in putting an end to the secrecy which now characterizes the Foreign Office alone. I remember the time when the same secrecy enveloped every Department of the Government; but while light has been thrown upon every other Department of the State, darkness still veils the operations of the Foreign Office, and for one particular reason—because the Foreign Office was under the command of a very able and adroit Minister, who had had the management of it for something like 40 years, and who was able to stave off that change which we effected in other Departments. And another thing that we should abolish is the absurd system of Prerogative by which a Minister is able to make a treaty, to cede territory, absolutely and irresponsibly for the time being, without the knowledge and authority of Parliament. We have had Ministers who believe that our colonial territories are very expensive possessions, and during the Recess such a Minister might, if he felt disposed, cede Canada to America, India to Russia, give Gibraltar to Spain—I have even heard it said that he might hand over Ireland to the Pope without the interference of Parliament being possible. You might, of course, in such cases impeach the Minister, but it would be difficult to annul the Act. I am of course speaking now of a system which the present Ministry only inherited, and which they did not create, and I may say that I think it desirable to move a Resolution during the Session, declaring that this nation would not feel itself bound by any treaty until it had received the assent of Parliament. My feeling has always

been that we were too much restrained in our discussion upon foreign affairs. After the information, however, which we have received from the Government as to the correspondence which is going on with the United States, I certainly feel that this discussion is not a desirable one to promote, and I have only risen to express the feeling, common, I am sure, to both sides of the House and to the country at large, that there is no reasonable concession which we would not make for the sake of keeping up and restoring good relations with the United States; and because I thought it right to state that the course the Government has adopted is the only one possible, and the only one which the country would have endured.

MR. OSBORNE MORGAN said, that entertaining every disposition to look with indulgence at the conduct of the Commissioners who had negotiated the Treaty, as a lawyer he must say that if they had looked into a dictionary for one English word which they ought not to have used, it would have been the word "growing," which of itself suggested indirect claims. The only defence suggested for the use of that word was, that it had been adapted from a letter written by Mr. Secretary Fish to Mr. Thornton. Their great mistake was in having sent out amateur diplomatists and ornamental jurists to carry out such a Treaty. They might just as well have pitted the least pugnacious Member of the House of Commons against a professional prize-fighter. The advice he (Mr. Osborne Morgan) would tender, even at the eleventh hour, was to have done with ornamental jurists and diplomatists, and to send out to Washington a shrewd attorney, like the hon. and learned Member for West Sussex (Mr. G. B. Gregory), or the hon. and learned Member for Chippenham (Mr. Goldney), and a skilled conveyancer from Lincoln's Inn, to see whether they would not be able to drag the Government out of the Serbonian bog of diplomacy in which they were floundering.

MR. LIDDELL said, he was happy to think that the universal sentiment of England had last night been expressed on that side of the House, in the statesmanlike speech of the right hon. Gentleman the Leader of the Opposition (Mr. Disraeli), and was glad to find that it contained nothing but what was calculated to strengthen the bands of the

Government in these difficult negotiations. He believed that if ever there was a subject on which the people were unanimous, it was the impossibility and impracticability of entertaining for one single moment the idea of compensation for indirect losses. He wished the Government to explain one paragraph in the Speech from the Throne, which was unusually incomprehensible. That paragraph relating to the French Commercial Treaty was in these terms—

"Various communications have passed between my Government and the Government of France on the subject of the Commercial Treaty concluded in 1860. From a divergence in the views respectively entertained in relation to the value of Protective Laws, this correspondence has not brought about any agreement to modify that important Convention. On both sides, however, there has been uniformly declared an earnest desire that nothing shall occur to impair the cordiality which has long prevailed between the two nations."

He should like to ask Her Majesty's Government explicitly whether this Treaty was to be terminated or not, because it was an undoubted fact that there were statesmen in the councils of France—men of great age and ability—who held upon the subject of Protection opinions which were somewhat antiquated? While deprecating, as he ought, the least appearance of dictation as to the financial affairs of France, he thought it desirable that the effect of the Treaty should be pointed out to France, because statements and reliable statistics had been published which showed that whether the Treaty was regarded in a financial or commercial point of view the advantages to France had been enormous, and the growth of her trade had been steady and remarkable. He also believed that the Treaty had worked as much good in France as in this country, which would be his excuse for asking the question; and he should therefore deplore anything like the abrogation of the Treaty. He trusted the right hon. Gentleman at the head of Her Majesty's Government would afford the House some explanation of the meaning of the paragraph to which he had referred.

MR. OTWAY said, he desired to say a few words on the passage in the Queen's Speech referring to their relations with America, and would endeavour to avoid saying anything which by any possibility would offend the people of the United States, if for no other reason,

because he was convinced there was nothing less likely to induce them to change their minds than the language of anger. They also resembled ourselves in many other respects. They had their opinions of right, and maintained them in the same way, and stood upon them in the same confidence as we did. Nor would he say anything likely to embarrass the Government. Every hon. Member must feel that his first duty on that occasion was to support the Government, notwithstanding the feeling of the whole country seemed to be declaring itself against the policy and conduct of Ministers. The Government had assumed most properly all the responsibility of the Commissioners' acts, and when his hon. Friend the Member for Waterford (Mr. Osborne) referred to the expenditure on account of telegraphic despatches between the Government and the Commissioners, he hardly did justice to the point, because he believed there had never been a word used by the Commissioners which had not been previously submitted to the Law Officers of the Crown, and been assented to by them. The responsibility of the Government upon the matter was absolute, and he was not surprised to hear the right hon. Gentleman at the head of Her Majesty's Government accept that responsibility. But while he approved of that part of his right hon. Friend's conduct, he regretted the language used by him with regard to the construction to be put on the Treaty, because the whole strength of their case rested upon the assumption that the wording of the Treaty was ambiguous. If, as the right hon. Gentleman had said, the Treaty was logical and grammatical, and admitted of no dispute, then there was no reason for withholding the case from the Arbitrators, because the Government might have been perfectly certain the award would have been given in their favour. Besides, it had been stated in the most formal manner by his noble Friend (Earl Granville) in "another place" that the Treaty did not admit of these claims being produced. How was it no notice had been taken by the American Government of that declaration, which had been endorsed by Lord Ripon as one of the Commissioners? It was impossible that the gentleman who so ably represented the United States in this country would have failed to report that declaration to his Government, and

if he did report it, how was it there was no exception then taken to the construction put upon the Treaty? Now, what was the Treaty of Washington? It was designed, not merely for the purpose of settling the *Alabama* claims, but of settling all differences which existed between this country and the United States; and they were now about to take a step—he did not say it might not be the right step, but a step the most serious which could be adopted by one nation towards another—they were about to ask the United States, who, since this declaration had been made, had published far and wide their view of the Treaty, to declare that our views were accurate and that theirs were wrong. And if they failed in obtaining a withdrawal of that statement, what would be the result? Why, the Treaty would fall to the ground. Not only would the Treaty with respect to the *Alabama* claims fall to the ground, but there were three other matters connected with that Treaty which would also fall to the ground. What would become of the question arising out of the San Juan Convention? The small island of San Juan was occupied by British and American troops, with a narrow line of demarcation between them. Hitherto the friendly relations subsisting between the two countries had influenced the conduct of the troops; but the prudence and good judgment of the officers might prove an insufficient barrier to a collision in the face of the excitement which the failure of the Treaty would produce among the American people. Besides this, there was the question connected with the Canadian Fisheries. Few who had followed the course of American politics would fail to remember the inflammatory speeches made by General Butler upon this question, and if the Treaty fell to the ground, he feared not many months would elapse before they would hear of the occurrence of some untoward event, perhaps the result of intemperate conduct on the part of an ambitious or violent officer, likely to end in most serious consequences to the two countries. That being the case, ought they not to do everything in their power to prevent such a catastrophe; and he would ask if they had made representations to the United States, ought they not to have made them with clean hands themselves? He wished now to advert to a

matter which had an important bearing on this case, in the hope of eliciting an explanation. There was now sitting at Washington another Commission, appointed for the specific purpose of adjudicating between claims which might be submitted to them for wrong done towards the persons or property of citizens of the United States by British subjects, and wrongs done to British people by citizens of the United States. The formation of that Commission was, in all respects, identical with the formation of the Commission sitting at Geneva, except as regarded numbers, the Governments of each country being represented before each Commission by an agent, so that the acts of the agents must be regarded as the acts of their Governments respectively. Certain claims, known as the Confederate cotton claims, had been submitted for adjudication before that Commission, at an early stage of its assembling, when they were at once excepted to by the American Government, on the ground that they did not come within the wording of the Protocol. Explanations were required by the American authorities, which were at once given by us, and an undertaking entered into that these claims should not be presented for consideration; but contrary to that, he believed the result was that these claims were submitted on the part of this Government, who, he trusted and believed, would be as indisposed to take part in advancing such claims as the French Government was in accepting the responsibility of the Jecker bonds. What was the conduct pursued by the United States under the circumstances? He would mention it because it bore a strict analogy to the present case. Upon the claims being made by Mr. Howard, the United States' Government protested against them, not only because the act of presenting them showed a disposition to overreach, but because they were altogether beside the matters coming within the cognizance of the Commissioners—that they were, in fact, *ultra vires*. Nevertheless, the agent of the Government insisted upon submitting these claims to the Commissioners, and the United States assented, under protest. It was impossible to suppose this was done in ignorance, on the part of the Government, of the 14th Article of the United States' Constitution, which lays down—

"That neither the United States nor any State shall assume or pay any debt or obligations in regard to any aid of insurrection or rebellion against the United States."

But whether in ignorance or not, this remarkable state of things occurred. The agent of the British Government presented to the Commissioners a set of claims to be adjudicated upon, possibly in his favour, contrary to the Constitution of the country. The Commissioners were asked to order the payment of a sum of money in aid of a Confederacy which had been in rebellion against the States. He trusted the Government would afford him some explanation of this matter because it materially weakened their argument, if they had submitted claims which would not come within the provisions of the arbitration. The Government of the United States simply asked to be treated as the British Government had treated them. It asked simply to be treated fairly. It made claims not in the confident belief that the award would be in their favour; that was a question for the Arbitrators. The British Government asserted that the claims did not come within the objects of the Treaty; and in reply the United States' Government said—"Do to us as we did to you; protest, and let the Arbitrators decide." Although he was not cognizant of the secret of the Foreign Office, he could hardly suppose the Government of the United States had been silent on the matter; some communications respecting it must have passed between the respective Governments, and should the right hon. Gentleman fail to satisfy him on the point to-day, he proposed, on some future occasion, asking distinctly whether any communication was addressed to the Government at the time these claims were presented. If so, the fact would open up a most serious view of the question. The hon. Member for Liskeard (Mr. Horsman), at the commencement of his speech, seemed to be in favour of discussing foreign matters, and at the close he seemed to deprecate discussion. [Mr. HORSMAN: Upon this occasion.] He deferred much to the experience of his hon. Friend, but the policy of silence had not hitherto been successful. It was not 18 years since the country under the Government of Lord Aberdeen drifted into war with Russia. Mr. Layard at the time repeatedly implored that information might

be given on certain points; but the Government invariably deprecated discussion, and held out to the House that hope which was realised last year—namely, that the matter might be discussed when the discussion could have no practical bearing on the point. He earnestly hoped the reticence of the Government on the present occasion might not be associated with mismanagement and the absence of enlightened opinion, and culminate in a difference between this country and the United States of America.

MR. SCOURFIELD regretted that no reference was made in Her Majesty's Speech to the state of the Army, respecting which so much discussion took place during the last Session. He was sorry that no assurance of improvement had been given, particularly so far as regarded the transport department.

MR. GLADSTONE: I presume, Sir, that those Gentlemen who desired to address the House to-day upon the great subject of the Washington Treaty have now stated their views, and, consequently, that it is time for me to take my part in the debate. But, before I reply to them, it may be convenient for me first to refer to the various speakers who have touched upon other topics. In reply to my hon. Friend the Member for Waterford, I readily admit that the question of Irish national education is a question of national importance, but I observe that we have not engaged in the Queen's Speech to produce before Parliament measures on all the subjects of national importance. Our engagement is that the measures which we do submit shall refer to subjects of national interest. It is, however, a little singular that a few moments before he blamed us for failing to produce a measure on Irish Education, he had praised us for having forborne to load the Speech with a number of Bills too great for us to carry. [MR. OSBORNE: It was promised last Session.] No, Sir, it was never promised last Session, but I will make my hon. Friend a promise now which I hope he will consider a handsome one. I promise now that if we should get through the Business promised in the Royal Speech with much greater rapidity than we anticipate, and find a considerable share of the Session left at our disposal, we shall be happy to consider the expediency of complying with his wishes. My hon. Friend also complained that we

had not made efforts to lighten the burden imposed upon France by the victorious Power. Considering the disposition usually shown by the House to receive the remarks of my hon. Friend with favour, I gathered, from the manner in which it met the suggestion, that, at least in this respect, his opinion is not shared by the House. But I think my hon. Friend has forgotten that, upon a particular day of last Session, the whole of this matter was distinctly stated to the House. Upon a particular morning we received from the French Government an application for our good offices to obtain some reduction of the demand made upon France by Germany, which was stated to us to amount to six milliards of francs. On that afternoon the Cabinet met to consider the subject, and by post and telegraph a friendly representation to the Government of Germany was forwarded by us. The limits of friendly interposition on such occasions are narrow, and we were bound not to go beyond them, but we did make, and make at once, a representation aiming at the very object which my hon. Friend complains that we failed to seek.

The hon. Member who has just sat down seems surprised that no reference is made in the Speech to the operation of the Purchase Abolition Act of last Session. The general rule, however, as I think, has been not to refer to subsidiary arrangements taken under the provisions of particular Acts of Parliament, no matter how important they may be. The arrangements under the Irish Church Act and the Land Act were not of less interest than those under the Army Purchase Act; but no notice was taken of them in the Speeches from the Throne. Again, Sir, the hon. Member for Northumberland (Mr. Liddell) thinks there is great ambiguity in the paragraph referring to the Commercial Treaty with France; and his remarks are perfectly just upon the great importance of that subject. Undoubtedly it is so far ambiguous that it does not convey the information he desires. For he wishes to know whether the Treaty has been denounced or not. But, up to the latest moment when this Speech was prepared, we were ourselves in uncertainty as to the course events might take in this respect. An idea prevailed in France that the Treaty must be denounced, if at all, on the 4th of February, in order that a denunciation might be valid. That was not our op-

Mr. Otray

nion; and we made known to the French Government that the 12 months' notice might, so far as our opinion might weigh, date from any period of the year. That declaration appears to have had some effect, and the French Government recently have obtained from the National Assembly power to denounce the Treaty without being bound to denounce it upon any given day. We are not able to say either whether or when that power will be exercised, and in saying thus much, I have given to the House all the information I possess upon this subject. But I may remind the hon. Member that Papers will be presented to the House upon the subject as soon as possible. The Licensing question I will leave in the hands of my right hon. Friend the Secretary of State.

Now with regard to more pressing questions. I notice a unanimity of feeling upon the part of those who have spoken in favour of limiting the present power of the Crown to conclude and ratify treaties without the consent of Parliament. This is a question of very deep national importance, well deserving careful consideration. But, for my own part, I have never yet seen how the difficulties of establishing a system such as my right hon. Friend suggests could be overcome. We hear with justice of the inconvenience which attends the present method; when a Government, necessarily liable to err, and liable to be overwhelmed at times by the pressure of other business, is likewise charged with the duty of conducting, it may be even from day to day, difficult and delicate negotiations. I heartily wish it was in our power to obviate the risks of miscarriage, or mistake, or ambiguity that may thus arise. But do not let us in haste conclude that the problem would be solved by making this House immediately acquainted with all that occurred in the various steps of our intercourse with foreign countries. My hon. Friend (Mr. Otway) thinks we drifted into the Russian war in consequence of want of information on the part of this House.

MR. OTWAY: In consequence of the want of information which would have been given by the expressed opinion of this House to the Emperor of Russia.

MR. GLADSTONE: In consequence, then, of the fact that this House has not the power of declaring its opinion at once on the steps of diplomatic negotiation as soon as they are severally taken.

It would not be convenient to attempt any full discussion of this wide subject on the present occasion. But, even admitting the fact of a present difficulty, it would be very precipitate to leap to the conclusion held by my hon. Friend upon this subject. There are inconveniences in the secret system, and there are inconveniences in the open system. The open system was exhibited in its fullest proportions in the month of July, 1870, before the Legislative Bodies of France, when from day to day, perhaps almost from hour to hour, at a great national crisis, the intentions of the Government were made known freely to a popular Assembly. Such of us as recollect the experience of those few days will not be inclined to think that the expression of popular feeling from day to day, and almost from hour to hour, would afford a perfect safeguard against national danger. We naturally, under present circumstances, compare the system prevailing in this country with that prevailing in the United States, where it is not in the power of the Executive to bind the country without the consent of one of the Houses of Legislature—namely, the Senate. That provision, however, as I may observe in the first place, considerably increases the difficulty of negotiating treaties with the United States. Much more would those difficulties be increased if it were necessary that the very same course had to be adopted by other contracting parties. But if it were proposed to adopt the practice of the States, we have this additional difficulty, that there is no body in this country occupying a position similar to that of the Senate in the United States. You would not consent, I presume, that to the House of Lords exclusively should be reserved this great power of approving or disapproving a treaty. You would say it might go to the House of Commons. Then, again, you would be inclined to obtain the intervention of an independent authority, such as the Queen, or the right to appeal to her. There is nothing analogous to the Senate in this country. You know as to the United States, you know that the Senate, in this principle, is a single chamber, an enormous majority being sufficient to pass a bill.

ciously-contested negotiations. Therefore, after what has fallen from my right hon. Friend, and after considering the feeling which hon. Gentlemen would be apt to entertain, and not in the least degree pretending either that the subject is not a proper one for discussion, or that the present system is abstractedly perfect, I have ventured to make these remarks as a slight contribution towards the consideration of the question.

I would now, Sir, refer to the rather numerous points raised by the various hon. Gentleman who have addressed the House with respect to the Washington Treaty. With regard to my hon. and learned Friend the Member for Denbighshire (Mr. Osborne Morgan), I cannot but think that he was somewhat rapid in the definite and positive conclusion he pronounced. I know not what amount of study he has bestowed upon the whole of the voluminous and complex documents connected with this case. His criticism is conveyed in a single expression. But he does not hesitate to say that in his opinion the British Commissioners—which according to my view means simply, for Parliamentary purposes, the British Government—have been guilty of that which is the very worst fault, short of positive bad faith, that they could have committed—namely, that of *crassa negligentia*. Well, Sir, if such really be the fact, it leaves you no resource but, as it were, to go down on your knees and plead your good intentions before the Government of the United States, but nothing else, and to trust to the kindness and mercy of the other contracting party to relieve you from the consequences of the gross error which, without excuse, you have committed. I wish my hon. and learned Friend had reserved his judgment for a while until he had heard the arguments in the case; because, you will observe, the argument of Her Majesty's Government has not yet been heard. I did not attempt to enter into it last night. I simply stated some of the propositions that we should, at the right moment and in the proper place, endeavour to prove, by means of reasoning, which it would be entirely premature at the present moment to enter on.

Next, Sir, the hon. Member for Whitehaven (Mr. Cavendish Bentinck) has put to me several points, to which I will give him the best answer in my power. I understood him to remark

that the American Government has claimed interest at a minimum rate of 7 per cent on the sums that may according to their plea be charged for indirect losses, and that this interest at 7 per cent is to be computed from the 1st of July, 1863; and he asks how comes it, the American Government having made this claim, that there is no stipulation to allow claims for interest, but, on the contrary, an exclusion of such claims, under the 15th Article, in respect to British claims, and all claims whatever, that are now being tried at Washington. The hon. Gentleman has here put to me a question on the construction of the Treaty with reference to a point which I have had no opportunity of considering with the aid of the best authority; and therefore the answer I give must be taken only for what it is worth. However, as I read the article of the Treaty it is to this effect—that no interest shall be paid from the time of presenting the claims at Washington; but it does not at all touch the question of the discretion of the parties to include interest in the claims they make, or that of the discretion of the Commissioners to allow it if they think right. If that be so, the provision is a mere executory provision, and one that does not require from me a more elaborate notice. The hon. Member also expressed his regret that there was no reservation of the right of the House of Commons to vote the money which the arbitrators might declare us liable to pay; and he said the consequence of that omission would be that, if the obligations of the Treaty were not fulfilled, a war might be the result. On that remark I am bound to say, first of all, that I think the issue would be pretty much the same either way. I do not say it would be a war; but, whatever it might be, it would be very much the same whether the reservation had been made in the Treaty, and the money, by the undoubted constitutional right of the House of Commons, then withheld, or whether it should be withheld under the Treaty as it now is. The American Government are perfectly aware that we depend upon the discretion of this House in respect to the payment of the money. They have shown a disposition to trust to that discretion; and in that disposition I believe they are perfectly wise and right.

Again, Sir, although the hon. Member was quite correct in saying that the

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House of Commons is the body which really has the exclusive power of giving ultimate effect to this Treaty, in case the decision of the arbitrators should be—what I hope it may not be—to find us liable to any payment from the national exchequer, yet it must be borne in mind that, in the present case, we have proceeded on the full and perfect knowledge, that this question of arbitration was not a new question. So far, we have had this advantage, that, apart from the subject of the wording of the Treaty—which is one of vast importance, but one entirely distinct—as to the object of the Treaty, as to the principle of a reference of these claims to arbitration, we assumed, and had a right to assume, that we were already in virtual possession of the judgment of Parliament. Because this was not an unadvised act, nor was it the sole act of the present Executive Government. Two Treaties had already been concluded by this country on this very subject, and on the very same basis of a reference to arbitration; and the discussions in this and the other House of Parliament enabled us to know that the country, as well as the Parliament, approved the general principle of a reference of these unfortunate differences to impartial arbitration. The hon. Gentleman, indeed, complained that the House of Commons was kept in the dark, and said he had understood that the whole of the labours of the protocolists had been given by the American diplomats to the American Legislature. I am not sure what he meant by the whole of the labours of the protocolists; but if he meant simply the Protocols, as it is reasonable to suppose, then I can say that while I believe they have been given to the American Legislature, I know that they have been also presented to the British Parliament, and I am at a loss to perceive how, up to the present moment the American Legislature can have been in possession of fuller information than the Legislature of this country. I am afraid, from the hon. Member's next observation, that he has not earned what is perhaps the best title to more information—namely, the having made the best possible use of such information as he has already had for a length of time in his possession; for I doubt from his statement whether he is in perfect possession of the contents of the Protocols which he has had in his hands. He said, however, that he had heard with great

astonishment my statement last night that we had undertaken to allow of arbitration on the question, whether we should be held liable for the costs of that portion of the United States' Navy which was employed in chasing these cruisers. I daresay many hon. Gentleman heard that statement with astonishment, and I am very desirous of bringing the fact home to their minds, for it is exceedingly desirable that the Members of this House should realize the actual position, whatever it may be; but that engagement, as I have shown, and whatever be its merits, was on the face of the documents, and was placed within the knowledge of Parliament during the last Session. If the hon. Gentleman will refer to the eighth page of the papers marked C 346, containing the Protocols framed by the negotiators of the Treaty of Washington, he will find that a statement was submitted by the American Commissioners, as on the 8th of March, to the effect that they had sustained certain direct and also certain indirect losses; he will find that in these direct losses they include—first, the capture and destruction of a large number of vessels with their cargoes; second, the heavy national expenditure incurred in pursuit of these cruisers; he will then find that they recited the indirect losses, next that they waived the indirect losses in the hope of an amicable settlement; but with regard to direct losses there was no waiver whatever; neither was there any protest made on our part to the inclusion of the cost of United States' cruisers in the category of direct losses. And, therefore, whether we think it convenient or inconvenient—and, of course, quite apart from the question whether we are fitly to be held liable in respect of the charge of a part of the American Navy, on which point we shall make as strong an argument as I think we shall be able to make on the whole of the case; quite apart, I say, from these considerations, this matter is clearly, as I apprehend, one which, by the Treaty and Protocols taken together, we are bound to allow to be referred.

I will now advert to what fell from my hon. Friend the Member for Waterford (Mr. Osborne). He said this Treaty has been a bungling business, and I thought he added—that I hope I was mistaken—that it was an "infamous document." [Mr. OSBORNE: I said it was a bungling business. Probably, I

also said it was "infamous."] The mind of my hon. Friend is a garden, with a soil of greater richness than he is himself aware, and so it is that these flowers of speech spring up in spontaneous and unrivalled abundance. But let us go to particulars. He says there is ambiguity, and more than ambiguity, in the Treaty; and he declares that the American Commissioners on the 8th of March distinctly informed the British Government that these indirect claims would be put forward. Now, I wish to keep distinct in our discussions here two different questions—the one of them of vast and overwhelming importance to this country, and the other also of great importance, but of importance chiefly as between Parliament and the existing Administration. Whether there be ambiguity in the documents or not is a question worthy of the most careful attention, with a view to any determination on the conduct of the Government. But I must now take objection to a statement of my hon. Friend, which, in my opinion, was most injurious to the interests of this country. It has been stated by him in this House, but it shall certainly not go forth without contradiction, that on the 8th of March the American Commissioners informed the British Commissioners and Government that these indirect claims would be brought forward under the Treaty. I say the very reverse. I hold that they informed the British Commissioners of the contrary. They alleged that the American Government had incurred heavy direct and heavy indirect injury; and that, in the hope of an amicable settlement, no estimate was made of those indirect losses, without prejudice, however, to the right to indemnification on their account in the event of no such settlement being made. This is the statement made in the Protocol of March 8; and the question arises whether, taken in conjunction with the Treaty, it did not distinctly and formally waive all claims for indirect losses. Now there was here a distinct reservation of right. [Mr. OSBORNE: There is another clause.] I am now speaking of the Protocol; that has the assent of both parties. I know there are other clauses, with which I will not trouble the House now; but I know also that they most powerfully sustain our view of the matter. What we say on the Protocol is, that this reservation of right was a

reservation perfectly unequivocal, but that it was confined to the case in which no amicable settlement should be made; and the question comes to be whether the arbitration to which we agreed under the Treaty is, or is not, an amicable settlement. If my hon. Friend wishes, as he reasonably may, for light on that subject, let him read the Preamble of the Treaty—a portion of this document which, strange to say, I, for one, have not even so much as noticed in any of the discussions that we have been reading for hours together every day of our lives during the last few weeks. The Preamble of the Treaty runs as follows:

"Her Britannic Majesty and the United States of America, being desirous to provide for an amicable settlement of all causes of difference between the two countries, have for that purpose appointed their respective Plenipotentiaries."

After naming the Plenipotentiaries on each side, the Preamble continues—

"And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles,"

which were intended to be the basis of the proceedings soon to go forward at Geneva—that is to say, in the words of the Treaty itself, these Articles were declared and set forth under the hands of the two parties to be, or else to be the basis of—for the purpose of the present argument, it matters not which—"an amicable settlement." [Mr. OSBORNE: The amicable settlement was rejected.] My hon. Friend is wrong. A particular proposal that would have been an amicable settlement was rejected; but this Treaty was concluded after the rejection of that particular proposal, and it was after that rejection that the Plenipotentiaries of America said they were there for the purpose of making an amicable settlement, and they then, in execution of that purpose, set out the Articles of the document by which that settlement was to be effected. But my hon. Friend proceeds to say—"Why not resort to direct negotiation? £6,000,000 would have been taken if you had done it in proper time. Now, indeed, you cannot get out of it so cheaply." But still he seems to recommend that we should tender the payment of a gross sum. Now, I believe that £6,000,000 is undoubtedly a sum within the power of this country to pay, if honour and duty require it, and perhaps a still larger sum; but he entirely leaped over

the preliminary difficulty. If money is to be paid, why is it to be paid? Because those who order it be paid by that very fact declare that we failed in our International duty; and the advice of my hon. Friend is that we should confess this failure; he declares we should have confessed it last year at Washington; and he seems to recommend us to confess it now. God help us! Has my hon. Friend thought for a moment of the position in which he proposes to place his country? When were these complaints made by America? In the year 1862, and in every subsequent year, America has been contending—and I do not deny her right to contend—that we have failed in our International duty. In every one of those years, by every form and variety of representation and public act, we have been contending, on the contrary, that we have not failed in our International duty; but have striven honestly and earnestly to perform it in every particular. An honest and genuine, but direct and diametrical difference of opinion and conviction has subsisted between the two Governments. That diametrically opposite conviction has been tested 100 times by the most elaborate arguments, perhaps, of which the history of diplomacy anywhere contains the record. The character of each country has been pledged to the *bond fides* of the convictions which were thus declared; and I can conceive of nothing that would more fatally compromise the good name and the ancient honour of this country than that, after having for 10 years solemnly proclaimed and protested that we had done our best, without favour and without prejudice, during the whole of the Secession war, to perform every International duty, however difficult, to both parties (but especially if a difference there were to the Government of the United States) we should now come forward and confess that all our declarations were a mere blind, a pretext, and a falsehood, resorted to in the hope of evading a just claim, and that now, being reduced to the last of our devices, and having no rag left to cover our disgrace, we are to tender to the United States what is termed a gross sum, or payment, or what you like to call it, as a compensation for our offence, in order to escape from the difficulties which we are to admit to have been the consequence of our misconduct.

But, further, it has been suggested that we should have sent over a shrewd attorney to arrange these matters for us. This remark is one of the light javelins from the armoury of my hon. Friend's sarcastic rhetoric, which are always acceptable to the House, and which are not unacceptable even to those who feel, in receiving the stroke, a sensation somewhat resembling that produced upon the skin by the prick of a pin. But I do not admit that we have yet reached the point at which, in place of employing able and experienced men like those who acted in the capacity of British Commissioners, the only alternative left us is to call in the aid of some shrewd attorney to extricate us from our embarrassments.

My hon. Friend the Member for Chatham (Mr. Otway) has referred to what are known as the Cotton Loan claims. I will not now undertake to give him a full and complete account of all that may have occurred with respect to those claims. My hon. Friend says in regard to them that we ought to come into court with clean hands. I quite agree that if we ever come to the point of a deliberate difference with the American Government as to whether this great arbitration ought to go on or to be arrested, we ought to take the most scrupulous care to be certain that we ask nothing from them that we should not be prepared under the same circumstances to grant, and freely to grant, ourselves. My hon. Friend says that Cotton Loan claims were actually presented at Washington by the agent of the British Government, and that the act of the agent is the act of the British Government; that the American representatives protested against his proceeding; that it was, however, referred to the arbitrator and disposed of by him. My hon. Friend will, however, at once be struck by the significance of the fact that the Commission sitting at Washington, and the American agent there, are able on any day and at any hour to submit to the Government of the Union the nature of the evidence and of the argument on any point that may arise, and to obtain the judgment of that Government upon it. That was not the case with the British agent. I am very far from pronouncing any censure upon the British agent. I am not at this moment aware of his having gone wrong

in any particular. But I believe—though I have not had time since I learned my hon. Friend's intention to inquire minutely at the Foreign Office on the point—that the British agent had received a general instruction to repel only claims that did not fall within the period mentioned in the Treaty; and it was by no means unnatural, if that were the case, that he should think it his duty to present any claim offered to him, not in the interest of the Government but in the interest of private persons, which appeared to correspond with that time. But that agent was a subordinate agent. My hon. Friend has not told us that the American Commissioners desired that time might be given for referring the matter home, and for taking the judgment of the Government at home upon it. And such is not the fact. Further, I will tell my hon. Friend that which I am sure he will be glad to hear, that the British Government, upon learning what was going on, never gave directions for the presentation of any Cotton Loan claims. This matter of the Cotton Loan claims, however, was not to be got rid of in a moment; and for this reason, that under the general name of Cotton Loan claims are comprised claims of a character totally and essentially different one from the other. The great bulk of these claims are, I believe, simply of this nature: they are instruments held by persons who lent money, or who purchased from such as had lent money, to the Confederate States, and I believe that purported generally to be secured upon cotton which was the property of those Confederate States. This cotton was appropriated or destroyed by the American Government, or was supposed to have been so, within certain dates; and thenceupon arise, or seem to arise, these claims. However, the only act taken advisedly by the British Government on the Cotton Loan claims has been this—after learning that the question had been raised, and that the American Government objected to our presentation of these claims, we had to consider, with very defective information, the various forms which these Cotton Loan claims might assume. We came to the conclusion that there might be cases in which the bonds had been actually exchanged for particular specified parcels of cotton; and, according to our view, in such a case as that, they

would cease to be in reality and in substance mere Cotton Loan claims, and would become claims for the loss of property, if that particular cotton should have been appropriated or destroyed within the time specified in the Treaty. With that reservation as to bonds which had been converted into visible property, the decision of Her Majesty's Government, although come to, I believe, after this transaction at Washington had occurred, was that these Cotton Loan claims could not be sustained by us before the Arbitrator, and ought not to be presented by us to him for arbitration. [Mr. OTWAY: That was after the claims had been disposed of.] But it was not "after" that to us; for we did not at the time know of it. [An hon. MEMBER: You might have had communication by telegraph.] Some of us complain, not without reason, of the enormous cost of telegrams; that is one of the sacrifices offered on the altar of International friendship; but would the hon. Gentleman insist on our being kept acquainted day by day, and hour by hour, with all the proceedings, great and small, in America, in Germany, and elsewhere which are to arise under this Treaty? We had it, however, by telegraph; but it was as to the result. I can confidently say that had the matter been delayed for a while at Washington in order to obtain a reply from us, the Cotton Loan claims never would have been presented. Such, Sir, is the imperfect account which alone at the present moment I can render. Further, Sir, before I quit this question, let me observe another and vital point, in which, as we conceive, this matter fails to correspond as to its basis with the question raised as to indirect losses. The Commissioners sitting at Washington are empowered by the Treaty, as we think, to determine not merely on the goodness, but on the admissibility of claims. There is no such power given to the Arbitrators at Geneva.

I wish, however, to point out to my hon. Friends, in order to prevent misunderstanding, these few and distinct propositions upon the main question that has been discussed. An hon. Friend thinks that, in declaring the documents to be unequivocal and clear, I deny the title of the United States to contend in opposition to that contention of ours. Sir, I make no such denial. As was well observed by my right hon. Friend

the Member for Liskeard (Mr. Horsman), nothing has been said by Her Majesty's Government in this matter to impute blame to the American Government, nothing to contract for others the liberty which we claim for ourselves—namely, the liberty of pronouncing an unfettered judgment in good faith on every point that may arise in the course of this negotiation. Not one word has been said, I trust, by me, which could imply for one moment that we in any manner question the title of the American Government to say anything about this Treaty which they please, or could convey any imputation in connection with any opinion which that Government may hold or may proclaim. If they chose to say the Treaty is clear and unambiguous, but clear and unambiguous against us—they would act within their competence. The appeal which I should make would be confident, but could not, I trust, be deemed offensive. It would be simply an appeal to logic, to grammar, to common sense, which are still, I hope, in one sense masters of us all, to establish what we contend to be the unambiguous construction of the Treaty with the Protocols. But they are as much at liberty as we are. We mention what is our contention in this controversy. It remains to be seen whether the American Government agree to that contention or not; and their right to hold their own language and form their own opinion is as sacred as ours. My hon. Friend (Mr. Otway) however says that the whole strength of our case depends on our maintaining that the Treaty is ambiguous. I do not understand by what logical process he arrives at that conclusion. I admit that if it could be shown that there was some ambiguity in the Treaty we should still be able to plead, if we could support it by reasonable evidence, the doctrine of intention. The doctrine of the meaning of the words is one thing; the doctrine of the intention of the parties is another. I stated distinctly last night that we adhered to the argument from the meaning of the words. We do not, on that account, renounce or deprecate the argument from the intention of the parties. On the contrary, we shall give what we think is demonstrative evidence of the true doctrine as to the intention of the parties; but we shall appeal—and I

hope distinctly and conclusively appeal—to the meaning of the words embodied in the instrument.

Only one other remark I would make. My hon. Friend seems to suppose that every question respecting the competency of an arbitrator, and as to the scope of an arbitration, ought of necessity to be settled beforehand. That is not so. The ground, on which Her Majesty's Government have thought it right to take steps at the present moment in regard to the Treaty of Washington, is not the mere ground that we think the indirect losses to be beyond the scope of the arbitration. I believe nothing to be more common in cases of arbitration than the raising of questions before the arbitrator himself as to the exact scope of his duties. The decision in the first instance on the scope of the arbitration then rests with the arbitrator himself; but his authority is not final. The United States themselves have been the first—I do not mean the earliest of all nations in point of time, but the earliest as compared with us—to have declared and acted, on an important former occasion, upon the right of one of the parties to withdraw from and decline to accept the result of an arbitration, when it considers it not to have been within the true meaning of the reference. Well, we might have taken that course; but would it have been, under the present circumstances, an honourable, or, at least, a considerate one? Very often it may be convenient to refer to the arbitrator himself the question of the scope of the reference; it is not worth while to refuse to do so. We have at this moment certain questions pending in regard to ships, in which we believe that, in all probability, the arbitrator will, or may be called upon to decide, as he decided in the case of the Cotton Loan, whether certain questions are within the scope of the arbitration. It is not the simple question whether these indirect claims are not beyond the scope of the arbitration that has induced us to act as we have done; but it has been the joint consideration, first of their being excluded by the Treaty; and, secondly, of the enormous magnitude of the case. It is the conjunction of these two considerations which has induced us to think that it would be far more honourable, frank, and friendly towards the United States to declare at once that the whole of this matter is, in our view,

unfit for arbitration, or rather is, in fact, barred from this arbitration, than to have waited in silence to the close of the proceeding, and afterwards to have taken some step that might have rendered us liable to the reproach of having permitted that Government to act in ignorance of our view and our intention.

Sir, I have now endeavoured, to the best of my ability, to answer, for the present moment, the questions which have been put to me in relation to this great subject. This is probably not the last time when it will be discussed by the House; and I can assure the House that they will at all times find in Her Majesty's Government the utmost desire to make clear the steps they may have taken, and that they will not have the slightest reason to complain of any disposition on our part to diminish or extenuate the responsibility under which we lie.

MR. SPEAKER having retired for a few minutes, on his return—

MR. GLADSTONE said: I wish to explain or enlarge a statement I made in the course of the remarks I have just concluded. When I made the statement in reference to the instructions which were given to the British agent in Washington with reference to the claims for the Cotton Bonds, I had not had an opportunity of seeing the specific terms in which those instructions were couched. During the past few minutes, however, I have referred to them, and I find that they were such as justified that functionary in believing that the Cotton Bonds claims were included in the negotiations, as coming within the time specified. I see, however, no sign that at the time when those instructions were written—namely, in last July or August, the question of the Cotton Bonds was taken distinctly into view, and I am quite at a loss to understand how it was that time was not taken at Washington to communicate with the Government of this country upon the subject before any definitive steps were taken there with regard to it. My statement, however, is strictly accurate, that when the question was raised, upon a representation from the American Government, our view was that the Cotton Loan Bonds, properly so-called, ought not to be presented to the Commissioners at Washington.

MR. HERMON concurred in the general opinion which had been ex-

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pressed as to the mischievous tendency of the wording of the Treaty of Washington, and the deplorable consequences which might be apprehended from the abrupt breaking off of that Treaty. The country would be taken by surprise when it learnt that the Government had agreed to admit as a claim for the decision of the referees the cost of the American Navy in pursuing vessels of the *Alabama* class. In permitting such a claim to be considered, Her Majesty's Government at once admitted the principle of claims for indirect losses. If such claims were to be admitted, how was it possible to exclude those for the cost of keeping up home squadrons and of coast defences? With reference to the paragraph in the Queen's Speech which promised the early introduction of the Estimates, he (Mr. Hermon) complained that the consideration of the Estimates was usually deferred until so late a period of the Session that there was not sufficient time to examine them with the care and attention that ought to be bestowed upon them, and he pressed upon Her Majesty's Government the necessity for fixing certain days for their discussion.

MR. G. BENTINCK said, he had been somewhat surprised to hear the right hon. Gentleman at the head of the Government congratulating himself upon the unanimity of opinion that had been expressed in the House with reference to the *Alabama* claims. [MR. GLADSTONE: As far as the essential points were concerned.] As far as he (Mr. G. Bentinck) could see there had certainly been the greatest unanimity of opinion in that House in condemning the conduct of the Government throughout the transaction. The right hon. Gentleman had made another remark that had surprised him, and that was, that it must be taken as an apology for any shortcomings on the part of the Government that they had been overwhelmed by the pressure of Public Business.

MR. GLADSTONE: I made the remark in reference to affairs generally, and not in relation to this particular matter.

MR. G. BENTINCK, continuing, said, he wished to know who it was that was responsible for that great pressure of Public Business if it were not the Government themselves. This was one of the questions which he trusted would come under the notice of

the House early in the Session, because overloading the Table with Bills was a growing evil which threatened in time to put an end to legislation altogether. The right hon. Gentleman had used an expression of a somewhat ambiguous character, which might lead to mischievous consequences, which was to the effect that the United States Government had exercised a sound policy in trusting to the discretion of the House of Commons as to whether, in the event of a large sum being awarded against this country, they would at once sanction its payment. He did not know to what extent the right hon. Gentleman's view went; but, in his opinion, the feeling of the House of Commons was that it ought to have been consulted in the first instance, as to whether this country ought to have been placed under any liability at all, and that it ought to be at perfect liberty to refuse to provide for any such payment on behalf of the country if it should see fit to do so. The right hon. Gentleman had failed to deal with the points which had been urged by the hon. Member for Waterford (Mr. Osborne). The hon. Member for Waterford, however, had suggested that we ought to have interfered between France and Prussia in order to obtain better terms for the former; but the truth was that, wisely or unwisely, we had so reduced our armaments that our voice was no longer listened to in Europe, and therefore, under these circumstances, it would have been idle for us to have interfered. We must either maintain such armaments as would enable us to resume our old position among the first-class Powers of Europe, or else we must be content to sink into a second-rate Power, whose voice was ineffective, because its opinions could not be enforced by arms. The hon. Member had also referred to the character of the American Commissioners. He had no desire to say a word that would be likely to give a tone of asperity to the negotiations now pending; but it was a matter of history and of fact that the mode of dealing with diplomatic questions adopted by the United States Government was different from that usual among the older Powers of Europe. Now, one of the first things necessary for successfully conducting diplomatic affairs was to understand thoroughly the character of those with whom negotiations were being held, and it was clear that our

Commissioners had been entirely mistaken upon this vital point. The Government, however, had taken upon themselves the entire responsibility of the Treaty, and, therefore, our Commissioners must be held to be entirely free from blame. His chief object in rising had been to raise the grave question whether the principle of resorting to arbitration was a sound one, and whether it was likely to lead to pacific results. In his opinion, instead of having such an effect it was much more likely to lead to international disputes and to warfare than to a peaceful termination of our differences. We had been told in 1860, when the Commercial Treaty with France was concluded, that the establishment of commercial relations with other countries would lead to universal peace; but he regretted to say that the only effect of the establishment of such relations had been continuous war. We had pretty good experience of the consequences likely to result from our adopting the principle of arbitration in the Washington Treaty, and, in his opinion, it was unworthy of a great nation to resort to arbitration in order to settle its disputes with another country. A great country like England ought to be the best judge of what concerned its own honour, and it ought not to lay its wealth and its dignity at the feet of arbitrators, however high they might be, for them to deal with at their good pleasure. The state of a country which was willing to submit to such a humiliation, and whose rulers could advise it to so far degrade itself, was hopeless. He must express his regret that of late we had got into a very bad habit of preferring sensational to practical legislation. The Ballot Bill was preferred in the Queen's Speech before all other measures, which, if passed, would be of more advantage to the nation than secret voting ever could be, and the House had a right to complain that the Government should resort to this sort of sensational legislation in order to obtain the support of hon. Members below the gangway. He trusted that the time was not far distant when this country would possess a Government which would look more to what was for the good of the nation, than to what was the best calculated to promote their own political aspirations.

MR. EASTWICK complained of one omission in the explanations given to

them by the right hon. Gentleman at the head of the Government in respect to the Treaty of Washington, as to the reason why the indirect claims of the American Government had not been set aside by the introduction of a distinct Article into the Treaty making such claims impossible. He thought that every word that fell from the Prime Minister made it more and more evident that there should have been such an Article or that the Treaty should not have been signed. If the Americans had for 10 years persisted in pressing their indirect claims, and we had been for 10 years repudiating them, why had not our Government taken steps to render their being entertained by the Arbitrators impossible? Besides, we were fully entitled, by the concessions we had made, to demand from the Americans an explicit renunciation of their indirect claims. We had condescended to apologize, and we had consented to recognize conditions of International Law never admitted before. We had made great concessions in respect to Canada, which were looked upon with great disfavour by the people of that country. He suggested that all Treaties of the nature of the one in question ought to be examined and approved by a Committee consisting of Members of both Houses before the Government should be at liberty to ratify them.

MR. BRUCE said, he felt he should be wanting in courtesy to the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) were he to abstain from answering the appeal of the hon. Baronet with reference to the Licensing Bill. The hon. Baronet thought that that measure ought to have had priority over all other Bills except the Ballot Bill; but, although much might be said in favour of the hon. Baronet's view, the Government, having carefully considered the matter, had come to the conclusion that it would be better that it should come before the House in the order they had appointed, when there would be ample time for its discussion. The Licensing Bill, though of less ambitious proportions than that of last year, would yet be found fully effective for its purposes. The hon. Baronet had alluded to certain remarks which had fallen from him on the occasion of his receiving a deputation of brewers some time since. A number of brewers, who represented

themselves as being in no way interested in publichouses, drew a doleful picture of the ruin that would have fallen upon them had the measure of last year been passed, and all he had done had been to assure them that it had not been his intention, in introducing that Bill, to bring ruin upon any body of men. The hon. Baronet had further quoted from the commencement of the speech he delivered in introducing the Bill of last year statements as to the mischief which resulted from drunkenness, and from the state of our licensing system. He could assure the hon. Baronet that he had not the slightest desire to retract one of those statements; but had he looked further he would have seen that he had expressly excepted from animadversion the legitimate use of alcoholic liquor. He had also stated that, in his opinion, the public had a right to be supplied with places of refreshment, sufficient in number, convenient, and respectfully conducted, and that was his opinion now. If the hon. Baronet would put himself in communication with the magistrates of Luton, in Bedfordshire, he would see how far the existing law was capable of diminishing the liquor traffic, and the number of publichouses, and the amount of crime consequent upon drunkenness. The hon. Baronet had said that he did not wish to extract from him what the form of the Government Bill would be; but he might state that he had a sanguine hope that it would be as stringent and as effective in its provisions as that of last year, while it would avoid those rocks which undoubtedly might have endangered the course of the latter measure.

SIR JAMES ELPHINSTONE, reverting to the question of the *Alabama* claims, repeated his former assertions that the *Alabama* was not in any sense a vessel of war when she left these shores, and that, therefore, we could not in any way be held answerable for her actions when she was beyond our control and after she had been equipped elsewhere as a Confederate cruiser. The Government having taken upon themselves the full responsibility for the terms of the Treaty of Washington, it was apparent, on the face of it, that they had committed very grave and serious blunders. It must not be forgotten that at the very time when the *Alabama* escaped from port we were shipping enormous sup-

plies of war material for the use of the North, and, under such circumstances, he should protest—and he would divide the House, if necessary—against paying the American Government even one dollar in compensation for the losses or injuries occasioned by that or other similar vessels. He regretted that no notice had been taken in Her Majesty's Speech of the chaos and confusion of the Board of Admiralty at that moment. He supposed that the right hon. Gentleman at the head of the Government, in reply to the coming statement of the right hon. Gentleman the Member for Tyrone (Mr. Corry), would repeat his statement that he intended to grant a Commission of Inquiry. That would be something like handing a person a stone when he asked for bread. They had had Committees over and over again on the subject, together with a mass of accumulated evidence. It was, therefore, idle to appoint another Committee. Such a proposal could only be made with a view of protecting the Government from the effects of their own imprudence, and of complicating the question still further. Last year the Government, by obtaining Votes on Account on the promise of submitting the Navy Estimates for discussion before Easter, managed to stave off till August the inquiries and discussions which were so greatly needed. He should, therefore, oppose the voting of a shilling on account this Session until the entire Estimates had been laid before the House.

MR. LOCKE, reminding the House of his contention last Session that the existing licensing laws, if enforced, were amply sufficient, congratulated the Secretary of State for the Home Department on having partially adopted that conclusion, and expressed a hope that, by the time that the measures entitled to precedence this year were disposed of, which would probably be about the end of the Session, the right hon. Gentleman would accept his contention in its entirety. If Luton, through the operation of the hon. Baronet's (Sir Henry Selwin-Ibbetson's) and other measures, had become a perfect paradise, there was no reason why the same treatment should not be equally successful elsewhere. He supposed that the hon. Baronet was prepared to deal with the subject in the present Session. [Sir HENRY SELWIN-IBBETSON: Hear,

hear!] The hon. Baronet had certainly been the most successful in this department of legislation, for the extraordinary thing was that he had pleased everybody, and after the Home Secretary's testimony to his success, it would be well to leave the subject altogether in his hands. He hoped, therefore, that the hon. Baronet near him (Sir Wilfrid Lawson) would not introduce the Permissive Bill, for though he might procure a few additional votes it had no chance of passing, and the only purpose it served was to make people uncomfortable and to create a great deal of misunderstanding.

MR. PELL called attention to the omission from Her Majesty's Speech of the subject of local taxation, and urged that, though the attempt of the Government to deal with it last year was eminently unsatisfactory and abortive, the matter ought not to be shelved; especially as the recent legal proceedings with regard to the taxation of costs were likely to cripple the administration of justice.

MR. C. S. READ also regretted that the subject of local taxation had not found a place in Her Majesty's Speech. Were the incidence and area of local taxation settled before the introduction of the promised measure on sanitary reform, opposition to that measure in this House would be disarmed, as also, what was still more important, opposition to its application in the country.

Address agreed to:—To be presented by Privy Councillors.

ALBERT AND EUROPEAN LIFE ASSURANCE COMPANIES (INQUIRY) BILL.

LEAVE. FIRST READING.

MR. STEPHEN CAVE, in moving for leave to bring in a Bill for the appointment of Commissioners for inquiring into the causes of failure of the Albert and European Life Assurance Companies, and the Companies which have been merged into such Companies, said, it was not necessary at this stage to trouble the House with the reasons which he thought justified a demand for investigation of the circumstances of these almost unparalleled disasters. Indeed, the manner in which his Notice was received by the House last night showed a general concurrence in the propriety of such a demand. At a future stage it

would be his duty to make a somewhat fuller statement to the House, and to show why this particular form of inquiry was, in his opinion, the only one which could meet the exigencies of the case.

Motion agreed to.

Bill for the appointment of Commissioners for inquiring into the causes of failure of the Albert and European Life Assurance Companies, and the Companies which have been merged into such Companies, *ordered* to be brought in by Mr. STEPHEN CARE, Mr. KIRKMAN MCDONALD, Mr. BARNETT, and Sir THOMAS BAILEY.

Bill presented, and read the first time. [Bill 8.]

BURIALS BILL.

Acts read; considered in Committee.
(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Burial Laws.

Resolution reported: — Bill ordered to be brought in by Mr. OSBORNE MORGAN, Lord EDMUND FITZMAURICE, Mr. HADFIELD, and Mr. M'ARTHUR.

Bill presented, and read the first time. [Bill 1.]

PERMISSIVE PROHIBITORY LIQUOR BILL.

Considered in Committee.
(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to enable Owners and Occupiers of Property in certain districts to prevent the common Sale of intoxicating Liquors within such districts.

Resolution reported: — Bill ordered to be brought in by Sir WILFRID LAWSON, Lord CLAUDIO HAMILTON, Sir THOMAS BAZLEY, Mr. DOWNING, Sir JOHN HANNER, Mr. MILLER, and Mr. DALWAT.

Bill presented, and read the first time. [Bill 3.]

GAME LAWS AMENDMENT BILL.

On Motion of Mr. HARDCASTLE, Bill to amend the Laws relating to Game, *ordered* to be brought in by Mr. HARDCASTLE, Mr. LEATHAM, and Mr. STRAIGHT.

Bill presented, and read the first time. [Bill 4.]

SALMON FISHERIES BILL.

On Motion of Mr. DODDS, Bill to amend the Laws relating to Salmon Fisheries in England and Wales, *ordered* to be brought in by Mr. DODDS, Lord KENNEDY, and Mr. PEASE.

Bill presented, and read the first time. [Bill 5.]

INFANT LIFE PROTECTION BILL.

On Motion of Mr. CHARLEY, Bill for the better protection of Infant Life, *ordered* to be brought in by Mr. CHARLEY, Dr. BEEWEA, and Dr. LION PLAYFAIR.

Bill presented, and read the first time. [Bill 6.]

Mr. Stephen Care

FIRES BILL.

On Motion of Mr. M'LAGAN, Bill to make provision for inquiries into the origin and circumstances of Fires, *ordered* to be brought in by Mr. M'LAGAN, Mr. CHARLES TURNER, and Mr. AGAR-ELLIS.

Bill presented, and read the first time. [Bill 7.]

UNIVERSITY TESTS (DUBLIN) BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to abolish Tests and alter the constitution of the Governing Body in Trinity College and the University of Dublin.

Resolution reported: — Bill ordered to be brought in by Mr. PAWCETT, Mr. PLUNKET, Dr. LION PLAYFAIR, and Viscount CRICHTON.

Bill presented, and read the first time. [Bill 9.]

SALMON FISHERIES (NO. 2) BILL.

On Motion of Mr. DILLWYN, Bill to amend the Laws relating to Salmon Fisheries in England and Wales, *ordered* to be brought in by Mr. DILLWYN, Mr. WILLIAM LOWTHEN, Mr. ASABTON, and Mr. BROWN.

Bill presented, and read the first time. [Bill 10.]

SPIRITUOUS LIQUORS (RETAIL) BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill for regulating the Sale by Retail of Spirituous Liquors.

Resolution reported: — Bill ordered to be brought in by Sir HENRY SELWIN-JUBETSON, Mr. HEADLAM, Mr. GOLDEBY, and Mr. WILLIAM HENRY SMITH.

Bill presented, and read the first time. [Bill 11.]

REGISTRATION OF BOROUGH VOTERS BILL.

On Motion of Mr. VERNON HARcourt, Bill to amend the Laws relating to the Registration of Parliamentary and Municipal Voters in Boroughs in England, and to alter the dates for the qualification of Voters, *ordered* to be brought in by Mr. VERNON HARcourt, Mr. WHITBREAD, Sir CHARLES DILKE, Mr. COLLINS, Mr. HENRY ROBERT BRAUD, and Mr. RATHBONE.

Bill presented, and read the first time. [Bill 15.]

HOSIERY MANUFACTURE (WAGES) BILL.

On Motion of Mr. PELL, Bill to provide for the payment of Wages without stoppages in the Hosiery Manufacture, *ordered* to be brought in by Mr. PELL, Mr. WHEELHORSE, Mr. JOSHUA FIELDEN, Lord JOHN MANNERS, and Mr. CHARLES FOISTER.

Bill presented, and read the first time. [Bill 16.]

GAME AND TRESPASS BILL.

On Motion of Sir HENRY SELWYN-IBBETSON, Bill to amend the Laws relating to Game and Trespass on Land, *ordered* to be brought in by Sir HENRY SELWYN-IBBETSON, Sir SMITH CHILD, Sir GRAHAM MONTGOMERY, Mr. GOLDNEY, and Mr. ROWLAND WINN.

Bill presented, and read the first time. [Bill 12.]

PUBLIC HEALTH IN RURAL PLACES BILL.

On Motion of Sir HENRY SELWYN-IBBETSON, Bill to provide for the better execution in Rural Places of the Laws relating to Public Health, *ordered* to be brought in by Sir HENRY SELWYN-IBBETSON, Mr. DIMSDALE, and Mr. DODDS.

Bill presented, and read the first time. [Bill 13.]

SITES FOR PLACES OF WORSHIP AND SCHOOLS BILL.

On Motion of Mr. OSBORNE MORGAN, Bill to afford further facilities for the conveyance of Land for Sites for Places of Religious Worship and Schools, *ordered* to be brought in by Mr. OSBORNE MORGAN, Mr. MORLEY, Mr. CHARLES REED, and Mr. HINDE PALMER.

Bill presented, and read the first time. [Bill 2.]

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

On Motion of Mr. THOMAS CHANDERS, Bill to render legal Marriage with a Deceased Wife's Sister, *ordered* to be brought in by Mr. THOMAS CHANDERS and Mr. MORLEY.

Bill presented, and read the first time. [Bill 14.]

ROYAL PARKS AND GARDENS BILL.

On Motion of Mr. AYTON, Bill for the regulation of the Royal Parks and Gardens, *ordered* to be brought in by Mr. AYTON and Mr. BAXTER.

Bill presented, and read the first time. [Bill 17.]

PUBLIC WORSHIP FACILITIES BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to provide facilities for the performance of Divine Worship according to the rites and ceremonies of the Church of England.

Resolution reported: — Bill *ordered* to be brought in by Mr. SALT, Mr. NORWOOD, Mr. DIMSDALE, and Mr. AKROYD.

Bill presented, and read the first time. [Bill 18.]

LOCAL LEGISLATION (IRELAND) BILL.

On Motion of Mr. M'MAHON, Bill to facilitate the obtaining of powers for Legislation on public Local Matters in Ireland, *ordered* to be brought in by Mr. M'MAHON, Mr. MONTAGU CHAMBERS, and Mr. MATTHEWS.

Bill presented, and read the first time. [Bill 19.]

WOMEN'S DISABILITIES REMOVAL BILL.

On Motion of Mr. JACOB BRIGHT, Bill to remove the Electoral Disabilities of Women, *ordered* to be brought in by Mr. JACOB BRIGHT, Mr. EASTWICK, and Dr. LYON PLAYFAIR.

Bill presented, and read the first time. [Bill 20.]

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

Standing Committee appointed "to control the arrangements of the Kitchen and Refreshment Rooms, in the department of the Sergeant at Arms attending this House": — Colonel FRENCH, Mr. HENRY EDWARDS, Mr. DALGLISH, Mr. ONSLOW, Mr. ADAM, Mr. FITZWILLIAM DICE, Mr. ALDERMAN LAWRENCE, and Mr. GOLDNEY: — Three to be the quorum.

EUPHRATES VALLEY RAILWAY.

Select Committee appointed, "to examine and report upon the whole subject of Railway communication between the Mediterranean, the Black Sea, and the Persian Gulf." — (Sir STAFFORD NORTH-COTE.)

And, on February 19, Committee nominated as follows: — Sir STAFFORD NORTH-COTE, Viscount SANDON, Sir GEORGE JENKINSON, Mr. FREDERICK WALPOLE, Mr. EASTWICK, Mr. BAILEE COCHRANE, Mr. LAIRD, Mr. GRANT DUFF, Mr. KINNAIRD, Mr. THOMAS BRASSEY, Sir CHARLES WINGFIELD, Mr. HENRY ROBERT BRAND, Mr. M'ARTHUR, Mr. DYCE NICOL, and Mr. KIRKMAN HODGSON: — Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at half after
Four o'clock.

HOUSE OF LORDS,

Thursday, 8th February, 1872.

MINUTES.] — Sat First in Parliament — The Lord Ellenborough, after the death of his uncle.

SELECT COMMITTEE — Thanksgiving in the Metropolitan Cathedral, appointed.

PUBLIC BILLS — First Reading — Burial Grounds* (6); Parochial Schools (Scotland)* (7).

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL — APPOINTMENT OF SIR ROBERT COLLIER.

MOTION FOR PAPERS.

EARL STANHOPE, pursuant to Notice, moved —

"That there be laid before the House, Copies of any correspondence which has passed between the Lord Chief Justice of the Queen's Bench or the Lord Chief Justice of the Common Pleas on the one hand and the First Lord of the Treasury or the Lord Chancellor on the other relative to the appointment of Sir Robert Collier as a paid member of the Judicial Committee of the Privy

Council; also, copy of Letter of the Right Honourable Mr. Justice Willes to the Lord Chancellor, dated 5th February 1872: Also,

"Return showing the dates of the appointment of Sir Robert Collier as a Judge of the Court of Common Pleas and as a member of the Judicial Committee."

THE LORD CHANCELLOR said, there was no objection to the production of the Papers moved for by the noble Earl, and he would beg to add to them correspondence with the right hon. Mr. Justice Willes.

Motion agreed to; Papers ordered to be laid before the House: Papers laid before the House accordingly, and to be printed. (No. 9.)

THANKSGIVING IN THE METROPOLITAN CATHEDRAL.

MOTION FOR A SELECT COMMITTEE.

On Motion of Earl GRANVILLE,

Select Committee appointed to consider what means should be adopted for the attendance of this House at the proposed Thanksgiving ceremony in the Metropolitan Cathedral on the 27th instant.

And, on Friday, February 9, the Lords following were named of the Committee:—

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| Ld. President. | Ld. Steward. |
| D. Richmond. | L. Redesdale. |
| Ld. Chamberlain. | L. Skelmersdale. |
| V. Eversley. | L. Aveland. |

BURIAL GROUNDS BILL [H.L.]

A Bill to amend the Law of Burials in England and Wales—Was presented by The Earl Beauchamp; read 1st. (No. 6.)

PAROCHIAL SCHOOLS (SCOTLAND) BILL [H.L.]

A Bill to extend and improve the Parochial Schools of Scotland, and to make further provision for the Education of the People of Scotland—Was presented by The Lord Rossie; read 1st. (No. 7.)

House adjourned at a quarter past Five o'clock, till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Thursday, 8th February, 1872.

MINUTES.] — SELECT COMMITTEE — Habitual Drunkards, appointed; Printing, appointed and nominated; Letters Patent, appointed.
PUBLIC BILLS—Ordered—First Reading—Deans and Canons Resignation [23]; Parliamentary and Municipal Elections [21]; Corrupt

Earl Stanhope

Practices [22]; Municipal Corporation Acts Amendment* [24]; Reformatory and Industrial Schools* [25]; Education of Blind and Deaf Mute Children* [26]; Public Prosecutors* [28]; Local Legislation (Ireland) (No. 2)* [27].

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL—APPOINTMENT OF SIR ROBERT COLLIER.

ADDRESS FOR PAPERS.

Address for—

"Copies of any Correspondence which has passed between the Lord Chief Justice of the Queen's Bench or the Lord Chief Justice of the Common Pleas on the one hand, and the First Lord of the Treasury or the Lord Chancellor on the other, relative to the appointment of Sir Robert Collier as a paid Member of the Judicial Committee of the Privy Council."

"Also, Return showing the dates of the appointment of Sir Robert Collier as a Judge of the Court of Common Pleas, and as a Member of the Judicial Committee."—(Mr. Cross.)

MR. ASSHETON CROSS desired to make some alteration in the terms of the Motion of which he had given Notice, which would then read—

"That this House has seen with regret the course taken by Her Majesty's Government in carrying out the provision of the Act of last Session relative to the Judicial Committee of the Privy Council, and is of opinion that the elevation of Sir Robert Collier to the Bench of the Court of Common Pleas for the purpose of giving a colourable qualification to be a paid member of the Judicial Committee and his immediate transfer accordingly, were acts at variance with the spirit and intention of the statute, and of evil example in the exercise of judicial patronage."

It would probably be acceptable to the House if he were to ask the Prime Minister whether it would not be convenient to take the subject on Monday or Thursday, instead of the Friday?

MR. GLADSTONE: Notice has been given in "another place" for raising this question even before Friday, and I think it is extremely desirable that the debates in the two Houses should coincide as nearly as possible in point of time. My suggestion was not to take it on the Friday, but that it would be inconvenient to take it as an Amendment on the Motion for going into Committee of Supply. If the hon. Gentleman could obtain the first place on the Paper on Friday, after the Motion for going into Committee of Supply, we would allow those words to be put aside, and then the hon. Gentleman's Motion would virtually become a Resolution, and be sub-

ject to Amendment. I do not wish to set up a doubtful claim; but, considering the character of the Motion, we are entitled, we think, to ask that the hon. Gentleman's Motion should be brought in at the earliest day on which the hon. Gentleman could bring it forward, or on the day for which he has given Notice; but if there should be any insuperable impediment to that course, or if the hon. Gentleman declines to bring it on on the day I have pointed out, and when it can be brought forward as an original Motion, it would then become our duty to give every facility for bringing it on on another occasion; and, however much I might regret the delay that would thus be thrown in the way of the progress of important public business, I would give the earliest day in my power for the purpose. I make this appeal to the hon. Gentleman; but if he does not answer it favourably, I have no choice but to give him Monday for his Motion.

SIR CHARLES DILKE'S SPEECH AT NEWCASTLE.—RULES AND ORDERS OF THE HOUSE.—QUESTION.

MR. MILBANK rose to ask the hon. Baronet the Member for Chelsea, Whether it is his intention to justify and explain by a statement in this House the subject of the speeches delivered by him at Newcastle and other towns; and, if so, when?

MR. WHITE said: Mr. Speaker—I rise to Order. I very respectfully ask you, Sir, whether the hon. Member for the North Riding, or indeed any hon. Member, has a right to ask any other hon. Member to justify and explain what he may have said outside the walls of this House? It rests with you, Sir, to answer that question.

MR. SPEAKER: I will bring to the recollection of the House the exact terms in which the Rules of the House apply to the Question.

"Before the Public Business is entered upon, Questions are permitted to be put to Ministers of the Crown, relating to public affairs; and to other Members, relating to any Bill, Motion, or other public matter connected with the Business of The House, in which such Members may be concerned."

The Question which is now under consideration does not seem to me to fall within that Rule, and I think it is very important that the House should be guided and governed by the Rules now existing.

MR. MILBANK: Under those circumstances, Sir, of course I bow to your decision, and I am only sorry that I have not had an opportunity of getting an answer from the hon. Baronet. No doubt, in the course of a debate, I shall have an opportunity before long of bringing the matter before the House.

IRELAND—STATE OF WESTMEATH.
QUESTION.

MR. SMYTH asked Mr. Attorney General for Ireland, If the County Westmeath be not, according to judicial testimony, in a state of perfect tranquillity; and, if it be the intention of the Government to propose the repeal of the Act of last Session?

THE ATTORNEY GENERAL FOR IRELAND (Mr. Dowse), in reply, said, there had undoubtedly been a great improvement in the state of Westmeath with respect to crime during the last, as compared with the preceding year. That improvement was, he believed, partly due to the Statute in question and partly due to other causes. He trusted, therefore, that the hon. Gentleman would think the Government were not justified at present in interfering with the Act, especially as it would expire in June, 1873. Four persons only had been arrested in Westmeath under its provisions, and of these three now remained in custody.

PUBLIC HEALTH.—QUESTION.

Lord EUSTACE CECIL asked the President of the Poor Law Board, Whether the Bill relating to Public Health, which the Government have announced their intention of introducing, will deal with the adulteration of food, &c. and drugs?

MR. STANSFIELD, in reply, said, as it was his intention to introduce the Bill to which the noble Lord referred to-morrow week, he would postpone answering the noble Lord's Question until that time.

Lord EUSTACE CECIL said, that, in consequence of the unsatisfactory answer he had just received, he should take the earliest opportunity of calling the attention of the House to the subject, and of moving a Resolution.

PRISON MINISTERS BILL.—QUESTION.

MR. MAGUIRE asked the Secretary of State for the Home Department, When the Prison Ministers Bill of last Session would be re-introduced?

MR. BRUCE, in reply, said, he was unable to add to the engagements he had already entered into by making any definite promise with regard to the introduction of the Prison Ministers Bill.

**IRELAND—IRISH LABOURERS.
QUESTION.**

MR. MAGUIRE asked the Chief Secretary for Ireland, When the Bill for improving the condition of Irish labourers would be brought in?

THE MARQUESS OF HARTINGTON, in reply, said, he had some difficulty in answering the hon. Gentleman's Question. If the hon. Gentleman referred in the words of his Question to a general measure for improving the condition of Irish labourers, he did not know to what Bill the hon. Gentleman referred. He could only say that no such measure had been promised by the Government, and they did not intend to bring in any measure dealing generally with the condition of the Irish labourers, which had of late greatly improved without the aid of Legislative interference. He imagined, however, that what his hon. Friend referred to was a measure for the improvement of Irish labourers' dwellings—a subject which had long engaged the attention of the Government. They had, however, encountered the greatest difficulty in framing a measure which would have any effect and not be open to very grave objection. He trusted to be able shortly to bring in a Bill to extend the operation of Sir William Somerville's Act. He was unable to say what day he should be able to introduce the Bill; but he hoped the delay would not be a long one.

**REFORMATORY AND INDUSTRIAL
SCHOOLS—QUESTION.**

MR. O'REILLY asked the Secretary of State for the Home Department, Whether the Inspector of Reformatory and Industrial Schools has, with his sanction, at any time issued a circular to magistrates, directing them not to send children to certain classes of certified Industrial Schools, or otherwise restrict-

ing their exercise of the power conferred on them by the Act; and, whether the Government exercise any or what control over the number of children sent by magistrates to Industrial Schools duly certified to receive them?

MR. BRUCE, in reply, said, no such circular as that referred to by the hon. Gentleman had been issued. At the same time, he thought his hon. Friend might have in his mind a circular which he addressed to the managers of industrial schools after the reduction was made in the payments in certain cases which were announced last year. If his hon. Friend chose to move for that circular, he had no objection to its production.

**THANKSGIVING IN THE METROPOLITAN
CATHEDRAL.—QUESTION.**

MR. W. H. SMITH asked the First Lord of the Treasury, If his attention has been drawn to the inadequacy of the proposed arrangements at St. Paul's Cathedral on the occasion of the intended National Thanksgiving; and whether he will direct that the entire available space of the Cathedral shall be used to provide seats for the public who desire to take part in the ceremony?

MR. GLADSTONE: I may make this observation in reply to the hon. Member—that the expression "the entire available space of the Cathedral" employed by him is susceptible of many different constructions. In a vast building like St. Paul's, not only of great area but of immense altitude, much accommodation in the way of galleries might be provided. I will, however, answer the hon. Gentleman's Question according to its spirit. I understand the case to be this. At the last Public Thanksgiving, which was strictly in the nature of a religious service, and which was in 1814, the space provided for the public gave accommodation for 1,300 persons. [An hon. MEMBER: 13,000!] No, 1,300; at least, so I am informed. Now that is not at all adequate. On the present occasion it was from the first intended to cover the entire floor, which would accommodate many thousands of persons; but since the announcement of the Thanksgiving Service was made, the Lord Chamberlain has been made aware of the desire on the part of a far greater number to attend than was at first anti-

cipated. He wishes to meet that desire to the utmost extent within his power, and the Government are very desirous to assist him. The consequence is, that directions have already been given for the erection of several galleries in St. Paul's. Since that has been done a further desire for accommodation has been expressed, and by the Lord Chamberlain directions have been given for the erection of still further galleries to an extent which, I am informed, fully meets the spirit of the Question. The precise number that the building will contain cannot be exactly stated; but it is, I believe, somewhere between 11,000 and 12,000 persons. My right hon. Friend near me reminds me that the occasion of the last Thanksgiving was not in 1814, but in the reign of George III., towards the close of the last century. I may add that, at the proper time, I will, in the terms made use of on former occasions, move the appointment of a Committee to consider the arrangements to be made for the accommodation of such Members of the House as may desire to attend.

SIR JAMES ELPHINSTONE asked whether arrangements had been made for the accommodation of Members, their wives, and families?

MR. GLADSTONE said, he thought it better not to enter upon the details of the arrangements. The information required would be obtained far more satisfactorily from the Committee of the House than by answers to Questions in the House itself.

IMPROVEMENT OF HARBOURS.

QUESTION.

SIR JOHN HAY asked the First Lord of the Treasury, If he will lay upon the Table of the House Copy of additional Correspondence between the Board of Trade, the Treasury, and the Public Works Loan Commissioners, touching applications for Loans for the Improvement of Harbours under various Acts, to complete the information contained in Return 512, 21st August, 1871?

MR. GLADSTONE understood that the Correspondence would be laid on the Table.

ASSESSMENT OF MINES.—QUESTION.

MR. PERCY WYNDHAM asked the President of the Local Government Board,

Whether the Government intend this Session to bring in a Bill to assess Mines to local rates?

MR. STANSFIELD replied that he had such a Bill in hand, but he was unable to say when it could be introduced.

COLONY OF VICTORIA — INTERCOLONIAL TARIFFS.—QUESTION.

MR. SMYTH asked the Under Secretary of State for the Colonies, If Copies of the Correspondence between Her Majesty's Secretary of State for the Colonies and the Honourable Charles Gavan Duffy, Chief Secretary of Victoria, on the subject of intercolonial tariffs, will on an early day be presented to the House?

MR. KNATCHBULL-HUGESSEN: The correspondence to which I presume the hon. Gentleman alludes would be more accurately described as a correspondence between the Secretary of State for the Colonies and the Governor of Victoria. This is a portion of a larger correspondence between the Secretary of State and the Governors of all the Australian Colonies. It relates to a matter of great importance, which is now under the consideration of the Government. Until a final determination has been arrived at with respect to the subject of this correspondence, it would be obviously undesirable that it should be presented to Parliament; but, as soon as this shall be the case, there shall be no unnecessary delay in the presentation.

ABOLITION OF TURNPIKE TRUSTS.

QUESTION.

SIR GEORGE JENKINSON asked the Secretary of State for the Home Department, Whether he intends to bring in any measure this Session, according to the promise made last year, to extend the operation of the Highway Act, or otherwise to deal with the whole question of the abolition of Turnpike Trusts?

MR. BRUCE, in reply, said, he had intended introducing a measure upon this subject, but would now wait until a measure contemplated by the President of the Local Government Board affecting local administration had been matured.

JUDICIAL COMMITTEE OF THE PRIVY
COUNCIL—APPOINTMENT OF SIR
ROBERT COLLIER.—OBSERVATION.

MR. DISRAELI: I think it is desirable that there should be no doubt as to the day on which the hon. Member for South-west Lancashire Mr. Cross is about to bring forward his Motion with respect to the appointment of Sir Robert Collier; and I believe it would be more generally convenient to the House that it should come on next Monday, if the right hon. Gentleman has no objection.

MR. GLADSTONE intimated his assent to the proposed arrangement.

ARMY—LORDS LIEUTENANTS AND THE
MILITIA.—QUESTION.

SIR JOHN PAKINGTON asked, Whether it was true that the authority exercised by Lords Lieutenants of counties over the Militia would be transferred on the 31st of March to the Secretary for War?

MR. CARDWELL, in reply, said, the present state of things in relation to this matter would terminate on the 31st of March, and the new state of things would begin on that day.

TREATY OF WASHINGTON—
CONFEDERATE COTTON LOAN BONDS.
EXPLANATION.

MR. GLADSTONE: I am anxious to give an explanation by way of caution on a matter referred to yesterday by the hon. Member for Chatham (Mr. Otway), a matter of importance of which we shall certainly hear again. Although it is not in my power at present to give a complete and adequate history of the transactions connected with the Confederate Cotton Loan Bonds, I am very desirous that what I say should be subject to no ambiguity as far as it goes. In the first place, we have been under the impression—which impression may be subject to correction—that the Commission sitting at Washington was entirely different in one respect from that sitting at Geneva. The Commission at Washington seems, by the 14th Article of the Treaty, to be made itself the judge of what claims it might properly adjudicate upon. The 14th Article of the Treaty says—

"That it shall be competent for the Commissioners to decide in each case whether any claim has or has not been duly made, preferred, and laid before them—"

my hon. Friend will see that it is totally different from the validity or justice of the claim—

"either wholly or to any and what extent, according to the true intent and meaning of this Treaty."

I trust I was not understood to say yesterday that the American Government had made no representation to us on the subject of the Confederate Cotton Bonds. What I wished to state—and what I think I did state—was that it is desirable to keep in view the distinction of place in this matter. The American Government did not, as far as we were informed, request at Washington that the question might be held over until there had been some communication with the British Government, and the decision of the British Government was known. The American Government had made an application to this country, and it was in consequence of this application that the Lord Chancellor, the Secretary of State for Foreign Affairs, and myself had some consultation and correspondence, and the Cabinet finally came to the decision, the exact terms of which I stated yesterday. That decision was taken before we were aware of the proceedings at Washington, and our first intelligence of those proceedings came upon the night of the day subsequent to that on which the Cabinet came to a decision. I hope there is no point of ambiguity in the partial statement I now make to my hon. Friend.

VOTE OF THANKS TO MR.
SPEAKER.

MR. GLADSTONE: I now rise for the purpose of making two Motions which are substantially one, and of which I gave Notice yesterday. All the Members of the House, Sir, had been made aware, before we met to resume our arduous labours, of your intention to quit the Chair. Yet at the same time, although the intelligence was not new, the formal and final announcement of it was received with universal pain. We felt we were about to be separated from one whose aid in the conduct of our labours we could ill afford to lose, and of whose kindly offices towards all Members of the House, as well as of whose efficient assistance to the House at large, we must ever remain individually and collectively

reminded. In expressing this regret I wish also to express for myself—with the fullest confidence that, however imperfect my manner, I speak the sentiments of the entire House—the deep acknowledgments which ought to be made on our part towards the person who has with efficiency executed the duties of the Chair. I am not aware that there is in this country an appointment—I would rather say an institution—more characteristic of the country than the Speakership of the House of Commons. I have often felt much difficulty, in conversing with foreigners, or even with Englishmen not conversant with the business of the House, in conveying to their minds the true nature of the relation which subsists between the Speaker of the House of Commons and this great Assembly, and the immense importance which we attach to the due performance of the duties of the Chair. Within these walls are concentrated the principal powers by which the work of Government is discharged over this vast and varied Empire. But these powers of the House of Commons never can be exercised in a manner perfectly satisfactory and perfectly corresponding to their nature unless the functions of the Chair be committed to hands that are thoroughly competent to discharge them. Sir, I believe there is no doubt at this moment—and there will be no doubt hereafter—as to the manner in which these functions have been discharged by yourself. We expect much from our Speaker, even in point of physical strength. We impose upon him tasks, and we ask from him exertions such as few men, even in the flower of life, are thoroughly competent to make; and our regrets, Sir, at losing you are upon this occasion enhanced by the intelligence that the severity of these labours has made a perceptible though, I fondly trust, only a temporary impression upon your health. But, apart from physical exertions, we require much mental power; we require a combination of qualities not ordinarily met with. An old poet has told us—

" Non bene convenient, nec in una sede morantur
Majestas et amor"—

I am not about to translate these words as applicable to the case; but I will modify the sentiment which they contain, by saying that it is difficult to combine the dignity required for the discharge of

the public duties of the Chair with the courtesy, the ease, and the kindness that are not less essential to a Speaker in his constant and unceasing intercourse with the individual Members of this House. But that union, difficult and rare, we think, Sir, it has been granted you to realize. I am not about to endeavour to make a catalogue—a fulsome and at the same time irksome catalogue—of the qualities that have commonly been displayed by Speakers of this House, important as they are. But, looking to that which is eminently characteristic, I must humbly presume to say, from a long experience extending over several Speakerships, that in my judgment, besides our general debt to you, we are under special obligations for your great attainments in what may be called the learning of this House. I believe that the Speakerships have been few in which the energies of the cultivated and intelligent mind have been more uniformly and energetically, or more successfully, directed towards the study of all that concerns the constitutional character as well as the mere forms of this House, and towards giving practical effect to the treasures of knowledge thus acquired both in the regulation of our proceedings and in the improvement of the rules by which they are regulated. There is, however, one point upon which I should like now to remark, although it refers more particularly to the second Resolution. It has been the custom of the Legislature to mark services of this character by the grant of a pension as well as by an Address to the Crown, praying that a symbol of honour, in the shape of a Peerage, might be conferred on the Speaker. The usual course will, without doubt, be taken with respect to the latter of these two methods of proceeding; but it will be interesting to the House to know that it is not the desire of the present Speaker that any burden should be imposed upon the public for the purpose of conferring upon him personal emoluments. I may be, perhaps, permitted to quote the words in which you have thus signified your desire in this respect. Several months ago you wrote to me as follows:—

" Though without any pretensions to wealth, I have a private fortune which will suffice, and for the few years of life that remain to me I should be happier in feeling that I am not a burden to my fellow countrymen."

Though I am far from saying that the grant would have been grudged, the generous foregoing of that grant will undoubtedly be appreciated most warmly. It remains for me only to convey to you, in language of deep sincerity, the best wishes that I can entertain, and that all of us can entertain, for your future happiness. I trust that this is not the occasion of your retirement; but it must be the occasion of your passing to a post of less severe responsibility. So long as life may be granted to you, the powers of your life and the faculties of your mind will, we are assured, be exercised by you for the advantage of your country. We trust that the exercise of those powers may be accompanied with every condition of honour, comfort, and satisfaction to yourself, and I beg—may I not venture to say?—we beg to assure you that in leaving that Chair you will carry with you, and can never cease to retain, our lively gratitude, our profound respect, and our cordial attachment. The right hon. Gentleman concluded by moving—

"That the Thanks of this House be given to Mr. Speaker for his distinguished services in the Chair during a period of nearly fifteen years; that he be assured that this House fully appreciates the zeal and ability with which he has discharged the duties of his high office, through many laborious Sessions, and the study, care, and strenuous with which he has maintained its privileges and dignity; and that this House feels the strongest sense of his unremitting attention to the constantly increasing business of Parliament, and of his uniform urbanity, which have secured for him the respect and esteem of this House."

MR. DISRAELI: Mr. Speaker—I have the honour to second the Motion of the right hon. Gentleman. I esteem it a great distinction, though I will not attempt to conceal that it is an office I fulfil under the present circumstances with profound regret. The reference which the right hon. Gentleman has made to your high qualities and your eminent services has met, I am sure, with a response from the breast of every hon. Gentleman on this side of the House. You have brought to that Chair, Sir, Parliamentary learning, varied accomplishment, and especially that refined taste and that high breeding which, whatever may happen to us, I trust will ever be the characteristics of the House of Commons. As to that spirit of impartiality so important in the position which you occupy, I should not

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be doing justice to my own feelings—and, what is much more important, I should not be doing justice to the cause of political truth—were I not to bear witness that, although we belong to different political connections, during the long period that you have filled that Chair no cloud ever rose between us. And when, Sir, during that period, I was called on to discharge the principal business in this House, I am sure I should not have been equal to the occasion, or obtained from the House its generous and indulgent acceptance of my efforts, had I not been sustained by the valuable and vigilant aid which you ever afforded to me, and which was absolutely inestimable. I trust that in the comparative retirement which awaits you your health will be restored, and that you will be enabled to resume, in the service of your country, the exercise of those talents which we so highly appreciate. In another House of Parliament I am sure you will not forget that in which have been passed more than two-thirds of your life, and in which you have obtained such eminent distinction. I am sure also I am not misinterpreting the sentiments of all who are present when I say that your authority here will never be appealed to but with reverence and respect, and your name never mentioned but with esteem and affection.

Then Mr. SPEAKER addressed the House, as follows, all the Members being uncovered:—It would be difficult for me to make an acknowledgment, in suitable terms, for the distinguished compliment, and the high honour which you have conferred upon me. When fifteen years ago Lord Palmerston wrote to ask whether he might propose my name for the office of Speaker, I did not at once consent. I felt much hesitation. I considered myself little prepared for the duties of the office, and the proposal had taken me by surprise. It was only upon the urgency of my friends that I consented to undertake the post. The House was pleased to accept me on probation, and without question. In consequence of the disposition then manifested, I entertained a hope that I might count upon receiving the general good will of the House, and not of one party only. I have not been disappointed in this hope—witness my re-election, in three successive Parliaments—still more

completely by what has taken place to-day. I received from my predecessor a well-ordered inheritance. I trust that I shall transmit it to my successor unimpaired, and perhaps in some points strengthened. I have received the valuable services of the gentleman who now worthily occupies the chief place at your Table—distinguished not only for his great attainments in Parliamentary lore, but on all points, for a sound and discriminating judgment. For such humble services as I have been able to perform, you have this day presented me with the greatest reward to which any public servant can aspire. I will not further detain the House: I will only offer a fervent prayer for the continued honour of the House, and for the well-being of all and each of its Members.

And the Motion being put by Mr. SPEAKER from the Chair, it was

Resolved, That the Thanks of this House be given to Mr. Speaker for what he has said this day to the House, and that the same be printed in the Votes of this day, and entered in the Journal of this House.

Resolved, Nemine Contradicente, That an humble Address be presented to Her Majesty, praying Her Majesty that She will be most graciously pleased to confer some signal mark of Her Royal Favour upon the Right Honourable John Evelyn Denison, Speaker of this House, for his great and eminent services performed to his country during the important period in which he has, with such distinguished ability and integrity, presided in the Chair of this House.

Ordered, That the said Address be presented to Her Majesty by such Members of this House as are of Her Majesty's Most Honourable Privy Council.

BUSINESS OF THE HOUSE.

MOTION FOR A SELECT COMMITTEE.

MR. GLADSTONE: I now rise, Sir, for the purpose of proposing the appointment of a Select Committee to consider the best means of promoting the despatch of Public Business in this House. I do not intend to enter at large into the question, which I think would be disadvantageous for the House to consider before the Select Committee is appointed—if it be the pleasure of the House that it shall be appointed; but I would remind the House very briefly of what occurred last year. Last year a Committee of the same kind was appointed, but appointed in the main with a limited view. Difficulties had arisen with respect to the enforcement on a then recent

occasion of a Rule of the House in regard to the exclusion of strangers. It was thought desirable that that matter should be referred to a Committee; and as a Committee was about to be appointed, the Committee was empowered to consider various matters connected with the despatch of business in this House. That Committee sat; it made several recommendations—some of them recommendations of importance. It happened, however, unfortunately, that one or two of the most important of them came to the House only by the casting vote of the Chairman, or with a majority of the feeblest character. It was the desire of the Government to have submitted those recommendations, or such of them as appeared to the Government likely to be acceptable, to the judgment of the House; but the pressure of business and the circumstances of the Session prevented the fulfilment of that intention until we had reached so late a period that it did not appear expedient to spend any more of a commodity that we possessed in such scanty measure—the time of the House—in discussing the particulars of those recommendations. I think, also—though in this I speak only for myself—that during the last Session—quite apart from certain features of that Session with which I have now nothing to do—there was in the public mind a sense of growing difficulty in the transaction of the business of Parliament—a sense of the demands of the community for legislation, and that the variety and the weight of the calls on our time were increasing under the operation of causes more or less, perhaps, of a permanent character. That being so, we are of opinion that the recommendations which were considered and made last year might with advantage be reviewed by the fresh appointment of a Committee, and that an opportunity might be given for the consideration, in the first place in that Committee, and secondly by the House itself, of any other suggestions of a useful nature which, without introducing violent or subversive changes into the proceedings of the House, might nevertheless tend to this most desirable object—that of expediting the despatch of business. In that sense and with those objects the Government has considered the matter during the Recess, and they would now propose the Committee with this

view—that the Committee, if appointed, should, in the first place, consider the recommendations of last year; that there should also be brought before the view of the Committee the various notices of which last Session was prolific, embodying the views of various hon. Members in respect to improving the methods for despatching business. The Government would make their contribution to the labours of the Committee by submitting to it some proposals which they deem to be of a safe, useful, and practical description; and, of course, the Committee would likewise receive with attention and respect the suggestions of other Members that might be appointed to serve on the Committee to the same purpose. From a Notice of an Amendment given by my hon. Friend the Member for Finsbury (Mr. W. M. Torrens) I gather that he proposes that the Private Business of the House should be included within the purview of this Committee. I am far from saying that the Private Business of this House does not require to be considered; I am far from expressing an opinion adverse to the appointment of a Committee for that purpose; indeed, I do not at this moment express any opinion at all upon that point; but the proposal of my hon. Friend, taken in its substance, would be this—that we should intrust to the same Committee the consideration both of Amendments in the mode of carrying on Public Business in this House and also Amendments in the mode of carrying on Private Business. My disposition would be to defer in this matter to the general feeling of the House—if there be a general feeling—but I would frankly state my own opinion. The question of the general conduct of Private Business runs into a multitude of details quite distinct from those relating to the general conduct of Public Business. There is one very large question connected with Private Business on which for many years I have had a strong opinion. There is one great and cardinal amendment which ought to be made, and which I think it is a discredit to us not to have made long ago—I mean the consolidation of the Committees of both Houses on Private Bills, so as to substitute a single for a double procedure. That is a question of such importance and magnitude that, as far as its nature is concerned, it perhaps belongs very much more to the public than

to the private arrangements of the House. Whether it would be desirable that that subject should be considered by the Committee I now propose I cannot say—individually, I should have no disinclination to such a course; but my hon. Friend will forgive me for saying with deference that I much doubt whether it would be expedient to intrust the question of our Private Business to the same body of Gentlemen who will be asked by the present Motion to consider the Public Business of the House, and amendments in the mode of conducting it.

Motion made, and Question proposed,

"That a Select Committee be appointed to consider the best means of promoting the Despatch of Public Business in this House."—(Mr. Gladstone.)

MR. DISRAELI: Sir, I would interpose for a few moments between the hon. Member for Finsbury (Mr. W. M. Torrens) and the House. With regard to the topic to which the hon. Member is about to draw our attention, I confess I have a strong impression that it would not be advisable to refer both the Public and the Private Business of this House to the proposed Committee. It is possible that an inquiry into the conduct of Private Business might be advantageous; but, at the same time, I hesitate as to the expediency of joining, as the right hon. Gentleman opposite suggests, the Private Bill Committees of both Houses. I rise, however, principally to express my grave doubts as to the expediency of having another Committee on Public Business. The right hon. Gentleman said the appointment of the Committee of last year was occasioned mainly by difficulties arising out of a single point in our procedure—the Rule in reference to the exclusion of strangers, and was, in fact, of a limited character; but having been a Member of the Committee, I believe I may say it went into the entire subject of the conduct of Public Business, and I am at a loss to understand how a further inquiry by a Committee into that subject could be beneficial. The right hon. Gentleman seems to think that such further inquiry might lead to the decision of important points by the aid of larger majorities than those obtained in the Committee last year; but that, I believe, is rather a fallacious view to take of the matter. Whatever may be the

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decision of a Committee as to conducting Public Business, the House would, I think, not be influenced by their decision in any degree, beyond the deference which it would of course always entertain for the opinions of eminent Members. But when you deal with the mode in which our Public Business should be conducted, and when propositions are made to change the Rules and Orders of the House, it is a subject so deeply interesting to every hon. Member that you may rely upon it every one of those questions will be decided by divisions in this House itself and not by any Committee. Therefore, whether the recommendations of the Committee on a particular point might be carried by a considerable majority or by a single vote, I think that is not a circumstance which ought to influence us. I entered into the Committee of last year with every desire to make every concession to the Government in respect to the conduct of Public Business which was consistent with a due regard to the rights of private Members. But this is not an age in which concessions appear to be successful. Although we did not arrive at our recommendations in several important instances by large majorities, yet we took ample evidence, and from the highest authorities; and that evidence is now in the possession of the House. The information thus collected is very valuable, and such as should influence the decision of the House, and if the Committee met again I do not see what further advantage we should obtain. I therefore hope that the right hon. Gentleman will hesitate before he determines to press his Motion. At all events, if he decides to take the opinion of the House, I trust hon. Gentlemen will express their views upon it. I think a further Committee would be of no use, and that the Government ought to make up its own mind, and on its own responsibility tell the House what are the changes which it deems necessary and expedient, because it will ultimately come to this—that all these questions must be decided on full debate in this House. The Government should on important points which may require attention offer their opinions to us, and then let the House say whether their suggestions should be adopted or rejected.

MR. NEWDEGATE said, he thought that after the loss they had sustained

by Mr. Speaker's resignation, and knowing, as they all must do, that the labours of last Session had contributed to that loss, which he sincerely regretted, the House would do well to consider the mode of its procedure, and whether it was not capable of amendment. He (Mr. Newdegate) felt that at times he might have appeared less obedient to the Speaker than other Members of the House; but his feeling had always been, that the great characteristic of that Assembly was, that it was as much master of its own Rules and the interpreter of them as it was the judge of its own privileges and of their extent; and it followed that it was most important that the Members of the House, who were least experienced in its Rules, should be duly informed of their application. They had all felt that in the Speaker they possessed one fully competent to maintain the dignity of the collective House, to give reproof where it was necessary, and advice where it was wanting, in language and in a manner which had reconciled the most refractory to his well-ordered sway. A feeling existed out-of-doors, as well as in the House, that there was need of some re-organization of their Rules, such as would insure deliberation upon every measure that came before them, and prevent the lamentable confusion and the excessive accumulation of Business which pressed so heavily upon many hon. Members, as well as upon Mr. Speaker and some of the officers of the House at the close of the Session, in the days of their weariness. Seant justice had been done to the Committee of last year by either of the right hon. Gentlemen who had spoken. That Committee did not decide carelessly; but devoted its best and its earnest attention to the questions brought before it, as was proved by the rapid despatch of its business, and the closeness of several of its divisions. Last Session he had repeatedly urged upon the Government that they were bound to express some opinion upon the Resolutions which that Committee had reported, and that some opportunity should be afforded to the House of recording their opinion; but the Government had turned a deaf ear to all such representations. He hoped the hon. Member for Finsbury (Mr. W. M. Torrens) would submit the substance of his Amendment to a separate Committee; and that if the Prime

Minister was not prepared to suggest Amendments in their mode of procedure, he trusted the Committee the right hon. Gentleman had proposed would proceed with all due despatch in the discharge of its functions, and that thus before very long some remedy would be devised against a recurrence of the evils experienced last Session.

MR. W. M. TORRENS, in rising to move the Amendment of which he had given Notice, said, that with regard to the question of economising the time of the House, he believed the experience of last Session would suffice to satisfy the most unthinking that they had reached a period in their Parliamentary history at which it was essentially necessary that they should try to adapt their forms and Rules to the ever-increasing weight of business. The burdens imposed on Members of that House, physically and mentally, were greater than they could for a continuance possibly bear. He submitted, with deference to both of the right hon. Gentlemen who had spoken, that if they wanted really to redeem the House from the state of embarrassment and of self-reproach which four-fifths of them felt themselves placed in at the end of last Session, they could not divorce the two great branches of Business transacted by that House. The right hon. Gentleman opposite (Mr. Disraeli) thought it would be better to have no fresh Committee at all, and he had himself hoped that the Government would have been able to offer to the House some suggestions on that subject. It was not the first, second, or third reading of Bills, nor the Motions of independent Members, that constituted the Business of the House, but the real time of the House was spent in Committees. If they wanted to increase the working force of the House, it was not only inexpedient but illogical to sever the two considerations, or to divorce in the inquiry those two great functions relating to Private Business and Public Business. There was no abuse so ripe for the sickle as that. He did not wish to press any matter upon the attention of the House without their having time for reflection; but it was not the mere idea or crutch of an individual, that there should be a consolidation of Committees of the two Houses. The idea of sending Private Business before a Joint Committee of the two Houses was not a new one. A Joint Committee, consisting

of six distinguished Members of each House, including Earl Granville, the Marquess of Salisbury, Lord Halifax, and the former Speaker of that House, Lord Eversley, and Sir George Grey, the Chairman of Ways and Means, Mr. Walpole, and others, sat in 1869, and that body had reported in favour of the Private Business being submitted to Joint Committees of both Houses, and he believed that opinion was fully justified by the evidence that was before them. The right hon. Gentleman, whose great services had been so gratefully acknowledged that night, had also given his opinion in favour of such a change in our mode of legislation. He begged humbly to suggest that it would be a great improvement upon our present system if, at the commencement of every year, two, three, or four joint panels selected from the Members of both Houses were to have imposed upon them the duty of arranging Public Bills Committees, in the same manner as was done by the Committee of Selection with Committees on Private Bills. Was it reasonable to suppose, he might ask, that every man in that House was competent to take part in deliberations in Committees of the Whole House in reference to every subject that was brought under the notice of Parliament? Some were country gentlemen, some were merchants, and some were lawyers, and it was improbable that they were all equally conversant with matters relating to agriculture, to commerce, and to law. Directed by a wise instinct, whenever a measure came before a Committee of the Whole House, those who were not familiar with the subject wisely put on their hats and took a walk in the Park, if it was fine, or went into the smoking-room, or went to sleep—they did anything but attend to the business that had been referred to the Committee of the Whole House. No greater fallacy could be conceived than the notion that every measure was carefully considered by all the Members of that House in Committee of the Whole House. They did not even attempt to examine the Bills; on the contrary, they left them to be dealt with by the 150 gentlemen who understood what they were about. But there was another part of the question which, to his mind, seemed most absurd and preposterous. When the hon. Members who were attending to the business be-

fore the Committee differed in opinion, and a division was required, the electric bells were set ringing, and hon. Members rushed from every part of the House to decide a question of detail, of the arguments in respect to which they had not heard a single word. But what he objected to most of all was, that after measures had been discussed in Committee by Members who had attended diligently to the deliberations, and who were conversant with the whole subject, when they came before the House for the Report or Third Reading, Members who possibly had not heard a single word of the previous discussions, or who had not attended a single sitting of the Committee, should have the power of altering the details, or even of rejecting the measure altogether. Was such a course founded upon common sense, and was it not appealing to the inattention and to the ignorance of the House against its attention and its knowledge? He could not see the advantage, after the Report of the Committee of 1869, of appointing a fresh Committee to do again what the Committee had already done, and he should be delighted to see the First Minister of the Crown rise in his seat and move for leave to bring in a Bill founded on the recommendations of that Committee. The public impression of the results of the working of the present system of Private Business was, that men were forced every year to spend enormous sums of money in promoting legislation which resulted in nothing. The reputation of Parliament was endangered by such a system. What the Joint Committee of 1869 proposed was substantially this—it proposed that every Committee on personal and local Bills should consist of six Members, three from each House, to be nominated by the Committee of Selection of each House, who should have the power of conferring together in order to frame rules and regulations from time to time for the conduct of business in Committees on Private Business; that the chairman of each Committee should be of that House in which the Bill originated; and that when a Bill of that character had been recast, it should be sent down to be read a third time in that House in which it had originated before it was sent to the other House, who would then deal with it rather in the position of an appellate tribunal. Last Session 157 Members of

that House had been told off to sit on Committees—in other words to serve as jurymen upstairs—and one of the groups sat no less than 27 days. But that was not the worst case, for he himself had sat on Committees during one Session for no less than 40 whole days. Another group had sat for 21, and a third for 19 days. Such continuous labour was most injurious to health, and he had been informed that the rate of insurance on the lives of Members of that House was daily rising. He had himself seen Members of that House whose state at the end of the Session was far from enviable. He had himself sat in four Parliaments, and he must say that the long hours passed in a squalid atmosphere, and the attempt to digest Blue-books, were more than could be endured with safety to health. During last Session there were no fewer than 254 local and personal Bills introduced into that House, of which 166 were opposed. All these had to be litigated in Committees before Members of that House, who after their morning's labour were required to occupy their seats from 4 o'clock in the afternoon frequently until 3 the next morning. How was it possible to find sufficient men capable of enduring this? He knew it might be answered that one-half the Members did not regularly attend the House, and that of those who did many took it easy, leaving the business to those who, as they said, were fools enough to work. But this did not answer the argument—where were they to find competent Members. The old Parliamentary qualifications had certainly been abolished; but if the present system were continued the right hon. Gentleman ought to put a clause into his Ballot Bill prohibiting the election of any candidate who did not possess the qualifications of youth, robustness, and an inability to speak. If a man did not possess youth he had no chance of living through the Session; if he were not robust he would be unable to sleep upright, and a man who talked upon every subject was an enemy to mankind. He ventured humbly to express his concurrence in the observation of the right hon. Member for Buckinghamshire, that the Government, if possible, should take this matter into its own hands and make its definite proposition to relieve hon. Members from the inordinate labour that was imposed upon them.

Amendment proposed,

At the end of the Question, to add the words "and to consider what provisions may be made with regard to passing Local and Personal Bills through Parliament as may lessen the cost of such proceedings, and may economise the time and labour required from Members of this House,"—(Mr. W. M. Torrens.)

—instead thereof.

Question proposed, "That those words be there added."

MR. G. BENTINCK said, that having taken a considerable interest in this question last year, he wished to say a few words upon it. In his opinion they ought to receive this proposition of the right hon. Gentleman at the head of the Government with great reserve, and, indeed, with some suspicion, because the proposal came with a bad grace from a right hon. Gentleman who advocated its acceptance on the ground that it was necessitated by the growing and multifarious Business of the House, when he himself was solely responsible for the amount of the business. Whose fault was it that the House was overloaded with business last year? And what was the result? Why, that recourse was had by the head of the Government to a course which he (Mr. Bentinck) ventured to think was unconstitutional. There was before the House a great constitutional question bearing upon the election of Members of the House, and to facilitate the progress of the measure the right hon. Gentleman imposed upon his followers the task of remaining silent during the progress of one of the greatest and most important measures that ever came before Parliament. Was that a constitutional course of proceeding? It was neither more nor less than an attempt to prevent fair discussion in the House of Commons. He feared that the present proposal would involve a still further attempt to interfere with the freedom of debate in that House. That was a House of "palaver," and if they were not to speak their sentiments, or those of the persons who sent them there, they had better not be there, for, under such circumstances, Parliamentary government would be a farce. He could not agree that they should act upon the Report of the Committee of last year, for he should be sorry to find the Report of the Committee exercising any influence upon the Business of the House. The Committee was almost entirely com-

posed of official Members of the House; and he did not think that that was desirable. What they had to consider was this, whether the Government should have the sole and entire control of the character and nature of the business discussed, or whether the House should maintain its independent character. He therefore begged to be allowed to suggest that if they adopted the proposal of the Government, and assented to the appointment of the Committee, there should be only one official member of the Committee, who could fill the position of counsel for the prosecution, and that the body of the Committee should consist of independent Members of the House, who were the best judges of its rights and privileges.

MR. DODSON said, he did not intend to enter into an argument with the hon. Member who had just sat down as to whether the chief business of that House was "palaver," or whether it was more constitutional to speak or to hold one's tongue, but he believed that a wiser man than he was had said that there was a time to speak and a time to be silent, and that rule he thought was very applicable to that House. His object in rising was to appeal to the hon. Member for Finsbury (Mr. W. M. Torrens) to withdraw his Amendment. He could assure the hon. Member that he was as anxious as any man in that House to lighten the labours of hon. Members as far as possible. The hon. Member had said that the subject in hand was ripe for the sickle. He (Mr. Dodson) wished that the crop could be reaped by so simple an instrument; but he was afraid that the saw or the axe would have to be called in before the necessary clearance could be made. Whatever was done in reference to the appointment of this Committee, he hoped, at all events, that the hon. Member for Finsbury would not press his Motion, the passing of which would add to the labours of the Committee by placing upon them the consideration of the reform of the means of conducting Private Business. They had already had a very strong Committee which had reported upon Private Business—he alluded to the combined Committee of the two Houses which had already been referred to; and by referring the question of private legislation to the Committee now asked for by the

right hon. Gentleman at the head of the Government they would be asking a Committee of that House to review the decision on that subject which had been already arrived at by the Joint Committee of both Houses. He regretted to hear an expression fall from the right hon. Member for Buckinghamshire (Mr. Disraeli) which appeared to him to be adverse to the Report of the Joint Committee of the year 1869, because the right hon. Gentleman was a Member of that Committee, and was present and consenting when the Report recommending Joint Committees upon Private Bills was agreed to: there was, indeed, only one dissentient from the recommendation. He (Mr. Dodson) hoped to have an early opportunity of calling attention to the Report of the Joint Committee, and of offering some further suggestions for the improvement of the Private Business system. One of his objects would be to facilitate the obtaining legislative powers for local and personal undertakings by localizing inquiries; but he thought that any such facilities should be offered equally to every part of the United Kingdom. It would afterwards be competent for the hon. Member for Finsbury to propose the appointment of a Committee, or the House might refer the question of Private Business to the Committee now proposed. He trusted, however, that the House would itself deal with the question of Private Business, for 17 or 18 Committees had sat upon it within 18 or 20 years with very little result, and he had little hope of another Committee proving more fruitful. If this department was to be reformed the House should itself adopt Resolutions, or call upon the Government to take up the question. He would appeal to the hon. Member for Finsbury to withdraw his Amendment, which would only lead to a year's postponement and to the production of a Blue-book which few people would read and those few would take no interest in.

MR. GATHORNE HARDY: My hon. Friend opposite (Mr. Dodson) can hardly have heard the statement of the hon. Member for Finsbury (Mr. W. M. Torrens) that he did not intend to press his proposal, that not being the object he had in view. With regard to Private Business, I am glad to hear that the subject is to be brought before us by so well qualified a Member as my hon.

Friend, and I am sure the House will readily consider his suggestions; but I am at a loss to understand how the labours of the House would be shortened by the appointment of Joint Committees, for many of the Bills now originated in the other House never reach us. If we want to devise a better mode of conducting our Public Business, ample *data* are already before us in the shape of Blue-books and our personal experience. Why, therefore, should not the right hon. Gentleman opposite submit at once to the House itself the Resolutions which he is prepared to lay before a Committee? Any question of this kind is sure to be debated in the Whole House as thoroughly as if it had not been considered by a Committee. I remember that in the debates at the Universities the only questions which used to excite earnest discussion were those which affected the room in which we met, or the newspapers which should be taken — matters on which everybody had an opinion — and so with regard to the Orders of this House. Every Member knows where the Orders have inconvenienced him, and is anxious, therefore, to take part in the discussion; so that no time will be saved by the appointment of a Committee—which, indeed, would probably sit through the Session, deferring to another year the advantage of any reforms. To appoint another Committee would, moreover, be discrediting last year's Committee, which was composed not only of official Members, but of many hon. Gentlemen of fearless independence. I understand, indeed, that the hon. Member for West Norfolk (Mr. G. Bentinck), whose independence everybody admits, for he generally differs from the right hon. Gentlemen who lead both the Government and the Opposition, was offered a seat upon it. Their Report has never been considered by the House, and it would be discrediting them to appoint a fresh Committee before the House has taken into consideration the Resolutions to which that Committee have arrived.

MR. BOUVERIE: I intended to offer the very view which the right hon. Gentleman has just urged. The question was raised last Session, with reference to the practice of excluding strangers at the instance of a single Member. A most influential Committee was appointed, including all the eminent Mem-

usual and unparliamentary course, he would give the strongest opposition he could, and would endeavour to induce his hon. Friends to avail themselves of all the forms of the House to prevent a discussion in so very improper a manner.

SIR JOHN PAKINGTON also expressed his hope that the Government would not persist in taking the Resolutions on Monday. The subject was one in which hon. Members of all shades of opinion took a deep interest, and the premature discussion of it would be attended with much inconvenience. Referring to a remark of the noble Lord the Member for Haddingtonshire (Lord Elcho), he said he had never any intention of unfairly or unduly restricting the privileges of Members of the House.

Amendment and Motion, by leave, withdrawn.

DEANS AND CANONS RESIGNATION BILL.—LEAVE.—FIRST READING.

MR. GLADSTONE, in moving for leave to bring in a Bill to provide for the Resignation of Deans and Canons, said, that a very brief explanation of the measure would be sufficient. It would be in the recollection of the House that three years ago they passed a Bill to provide for the resignation of Bishops, and that last year they passed a Bill to provide for the resignation of parochial clergy. There still remained to be passed a Bill which should include and deal with the case of the capitular clergy, or at least the greater capitular clergy. With regard to the smaller capitular clergy, he understood there was a great deal of difficulty, and that there was no great pressure on the subject. The case of the greater capitular clergy was more urgent, perhaps, than the cases they had already provided for, and more urgent in this respect—that there had prevailed for a length of time—until six months ago he was not aware of it—a practice which he believed to be totally unknown to the House and to the country, and according to which persons received large emoluments as Deans of Cathedrals or as Canons of Cathedrals, whom unhappily, overtaken by corporal disability, towards the close of life, having obtained from the Crown a dispensation, supposed to be valid in law, but whether valid in law or not he thought was a question separate from

its merits. That dispensation authorized them to continue to receive the incomes of their offices for the whole remainder of their lives, and at the same time liberated them from all obligation whatever to discharge duty. That was a very extraordinary state of things. He believed it was quite unknown to the public at large, and to the Members of the House. Quite apart from that, it was evident the system of resignation which had been found desirable in the case of Bishops, and in the case of parochial clergy, should also be applied to capitular clergy. The method which had been adopted in the Bill was an intermediate one between the case of Bishops, as regarded special provisions, and the case of parochial clergy—that was to say, the consent of the Bishop was made necessary to the resignation of a Dean or a Canon; but the Bishop was empowered, though not compelled, if he thought it expedient, to issue a commission for inquiry into the case. He had no doubt the Bill would receive the attention of Gentlemen connected with the Universities, and he hoped it would also receive the attention of the House. It was not likely that the Bill would produce any serious differences of opinion. He hoped it would be circulated the day after tomorrow.

Motion agreed to.

Bill to provide for the Resignation of Deans and Canons, ordered to be brought in by Mr. GLADSTONE and Mr. Secretary BRUCE.

Bill presented, and read the first time. [Bill 23.]

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL.

LEAVE. FIRST READING.

MR. W. E. FORSTER, in rising to move for leave to bring in a Bill to amend the Law relating to Procedure at Parliamentary and Municipal Elections, said, that it would be unnecessary to detain the House at any length in describing the provisions of the Bill, and he was glad to be relieved from the duty, after the calls that he had made on its attention last Session with regard to this subject. The principles and details of the measure had been thoroughly discussed by, and were perfectly familiar to, the House; there had been 27 Sittings on the Bill, and 73 divisions, at least 25 of them being on points of importance. That being the case, the Government

Mr. Cavendish Bentinck

had taken a course which he was sure the House would expect in dealing with a subject which had been thus discussed. The Government felt it was only respectful to the House to pay respect to its decisions, and to abide by them in the measure they were now presenting before it. He owned that he personally deeply regretted the decision of the House on one question. It did not relate to the Ballot or to nomination; but it was a matter on which he held last Session, and still held a strong opinion—namely, the relieving of candidates from the payment of expenses and throwing them on the rates. A large majority of the House decided that the clause which would have thrown those expenses on the rates should be omitted, and as the Government had no reason to suppose that the House had changed its mind, this Bill would not include that clause. Therefore, he might say that the Government presented this measure substantially as it left the House, and was brought into the House of Lords. But the Government had made some alterations with regard to arrangements, and the first alteration was that they had put the measure of last Session in two Bills instead of one. The reason for doing so was that the experience of last Session convinced them of the desirability of keeping the procedure of election apart from the other portion of the Bill of last year. In bringing forward the Bill of last year they embodied in it suggestions of a Parliamentary Committee for amending the Corrupt Practices Act. There were suggestions as to the returns made by the candidates of their expenses, and as to holding committees at public-houses. He found it was quite as much as he could do to undertake the charge of the Ballot Bill, and it seemed to him that that was quite as much as the House could attend to in one measure. He was happy to say that his hon. and learned Friend the Attorney General would bring forward a Bill to deal with the subject of corrupt practices. That Bill would contain the clause as to holding committees in public-houses, and the clause for the punishment of personating voters, which were included in the Ballot Bill of last year. The Bill which he (Mr. W. E. Forster) now brought forward was confined strictly to the mode of nomination and the mode of voting. It would abolish public nomination and establish voting by Ballot. It would also give facilities for voting

by increasing the number of polling-places. In the Bill of last year, however, municipal elections were included as well as Parliamentary ones in regard to the mode of nomination; but he thought that the debate proved it would be better to leave the nominations at municipal elections alone, and that, as there are no public nominations at present in the case of these elections, it was unnecessary to apply the machinery of the Bill to them. That would probably have been the case in the Bill of last year, if it had not been for an oversight; and in the present measure, accordingly, the municipal elections were untouched. The Government had also upon consideration come to the conclusion that the circumstances of Scotland were so different from those of England, that it would not be desirable to extend to that country the provisions of the Bill in regard to polling-places, and that conclusion was confirmed by the unanimous representations of the Sheriffs of Scotland. Hon. Members would observe a considerable alteration in the wording of the Bill; and he ventured to hope that they would think it to be improved. He had done his best, with the assistance of the able draftsmen who had helped him, to make the wording as clear and concise as possible; but, in truth, it was not an easy matter to express the enactments as to the change in the mode of voting with perfect clearness, and without some repetition, but they had done their best to accomplish that object. He had also, he was glad to say, been able to see his way to doing without the assistance of the Secretary of State. He knew that objections were taken to that proposal last year, and he was glad to think that the Ballot might be tried, with every chance of success, without leaving discretionary powers to the Secretary of State. The Bill now came before the House reinforced by the fact that its provisions had been carried by great majorities through the House, and that the country at large, as both sides would admit, endorsed the decision of that House. That could hardly be disputed, seeing, by the perfectly legitimate action of the House of Lords, that the country had had the opportunity during the last six months to show any feeling against this measure, but it was clear that it considered it a *sicut accompli*. As a proof of that fact he might mention

the recent election in the West Riding—an event that it must be grateful to the feelings of hon. Gentlemen to refer to. The right hon. Gentleman the Member for Buckinghamshire had comforted his followers with the statement that that election was a proof that the constituencies created by the Reform Bill were of a real Conservative tendency. However that might be, he (Mr. W. E. Forster) felt convinced that this new Conservative Member would not have been returned, notwithstanding his other views, unless he had been known to be a sincere and honest advocate of the Ballot. This agreement between the two parties in this important constituency was a good omen for the success of the present measure, and he hoped that, however much some hon. Members might entertain a traditional prejudice against and dislike of the Ballot, they would, after entering their protest on the occasion of the second reading, assist the Government in rendering the measure as perfect as possible; for it was an undoubted fact that a large majority of the Members of that House and an immense majority of the constituencies were in favour of the proposed alteration in the mode of election. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

MR. GREGORY remarked that the Bill of last year gave the greatest facilities for personation, and, as far as he could gather, the present measure contained no improvement in that respect. If not anticipated by some other Member, he would frame an Amendment for the purpose of checking personation.

MR. NEWDEGATE said, that he always admired the appearance of the right hon. Gentleman (Mr. W. E. Forster) in that House, except when he assumed the character of Destiny, as he had that evening. Last Session the right hon. Gentleman assumed the character of Destiny; but all his prognostications had proved false. He assumed that there was an universal consent in favour of secret voting in this country. His (Mr. Newdegate's) opinion was the reverse. The House of Lords had last Session rejected the Ballot Bill, and an attempt was got up to assail them by agitation, which most signally failed. The House had been repeatedly assured that the House of Lords would imperil their existence, if they strove to evade their destiny in the shape of the will of

the Government on this subject. The House rejected the Bill, and the attempt to assail them failed, which was evidence directly in opposition of the repeated assertions of the right hon. Gentleman. He wished to impress on those Members of the House who were likely to vote in favour of the Ballot, that by adopting secret voting they were favouring the reduction of the franchise to manhood suffrage. Such was the conviction of the late Lord Palmerston, and such was his own. It would be idle to expect that the adult male population of the counties would be contented to be represented by Members elected by the £12 house-holders, of whose conduct and whose vote in the election they would know nothing whatever. Instead of settling the question of the electoral system of the country by passing this Bill, the House would simply re-open it.

MR. BRADY said, he was not in favour of manhood suffrage; but he firmly believed it must come if they passed this measure. He believed the Reform Bill of the right hon. Member for Buckinghamshire (Mr. Disraeli) gave an impetus to that movement which it would be impossible now to stop.

Motion agreed to.

Bill to amend the Law relating to Procedure at Parliamentary and Municipal Elections, ordered to be brought in by MR. WILLIAM EDWARD FORSTER, MR. SECRETARY BRUCE, AND THE MARQUESS OF HARRINGTON.

Bill presented, and read the first time. [Bill 21.]

CORRUPT PRACTICES BILL.

LEAVE. FIRST READING.

THE ATTORNEY GENERAL, in moving for leave to bring in a Bill to amend the Corrupt Practices Prevention Act and the Parliamentary Elections Act, 1868, said, the present measure was formed of that portion of his right hon. Friend's Bill of last year which was omitted from it in consequence of the pressure of time, and because the subject really required to be dealt with separately. The Bill he asked leave to introduce was short and simple; but it contained some important clauses, to which it was right he should direct attention. It contained several important amendments on the present law in regard to personation, and which, though he had no right to call it a crime, was an offence that should be dealt with criminally. No doubt it was easy, and no

Mr. W. E. Forster

more easy—to personate a voter than it would be under this Bill, and there was no greater inducement in one sense to personate a voter under the system of secret voting than there would be under a system of open voting; but, inasmuch as there would be great difficulty in following the vote under a system of secret voting, it was important, and indeed essential, that the law against personation should be stringent, and that the penalties on conviction should be more severe than at present. This Bill, therefore, would make the offence of personating a voter a misdemeanour, and under its provisions it would be the duty of the returning officer to institute a prosecution against any person whom he might deem to have been guilty of personation. The returning officer would be protected from the pecuniary consequences of discharging this duty by the clause of the Bill which provided that the expenses of the prosecution and witnesses, together with compensation for trouble and loss of time, should be allowed in the same manner as they were now allowed in cases of felony. It had not been thought necessary to prohibit a private person from instituting a prosecution, if he thought fit, at his own expense, under the ordinary responsibilities of the law. Differing, however, from the provision of last year, it was proposed that in every case of personation, where it turned out that it had been instigated by the candidate or his agents or not, the person whose vote the personated should, nevertheless, if he claimed his vote, have the right to have it put aside, in the first instance, for the purpose of being recorded if necessary; and in case of a scrutiny, whether the personation has taken place at the instigation of the candidate or not, the vote of the personated person should be recorded in favour of the person for whom he wished to have voted. He had retained the provision of the Bill of last year—that wherever the personation turned out to be instigated by the candidate or his agent, then the vote should be struck off the poll of the person so instigating by himself or his agent. There was a further provision that any payment which was not entered in the return made by the candidate of his election expenses should be deemed a corrupt payment, and subject to the consequences attributed to such payments by the existing law against corrupt prac-

tices. This provision, he might remark, was recommended by the Committee presided over by his noble Friend the present Chief Secretary for Ireland (the Marquess of Hartington). There was also a clause to the effect that no public-house should be hired or used by a candidate, or any person on his behalf, for any purpose connected with an election, and that in the event of this being done the holder of the licence should be liable, on summary conviction, to a penalty. The Bill likewise proposed to make permanent the provisions of the Parliamentary Elections Act of 1868, by which the jurisdiction of the House of Commons in election petitions was transferred to a judicial tribunal. In 1868 he was not in favour of the change; but he was bound to say that in that, as in many other things, he had to admit that his first impressions were not the right impressions, and that he believed, so far as he could judge, the working of that change had been, on the whole, extremely satisfactory to the country. No one could bring against the decisions of the judicial tribunals on election petitions those objections which, rightly or wrongly, were sometimes urged against the decisions of Committees of that House. All persons, he believed, were quite satisfied with the change which was initiated in 1868, and which it was proposed to make permanent by the provisions of the Bill which he now moved for leave to introduce.

Motion agreed to.

Bill to amend the Corrupt Practices Prevention Act and the Parliamentary Elections Act, 1868, ordered to be brought in by Mr. ATTORNEY GENERAL and Mr. SOLICITOR GENERAL.

Bill presented, and read the first time, [Bill 22.]

HABITUAL DRUNKARDS.

Select Committee appointed, "to consider the best plan for the control and management of Habitual Drunkards."—(Mr. Donald Dalrymple.)

And, on February 29, Committee nominated as follows:—Sir HARCOURT JOHNSTONE, Mr. BIRLEY, Mr. HENRY SAMUELSON, Mr. WHARTON, Dr. LYON PLAYFAIR, Mr. AKHORD, Mr. MITCHELL HENRY, Lord CLAUD JOHN HAMILTON, Mr. MILLER, Mr. DOWNSING, Major WALKER, Mr. WINTERBOOTHAM, Mr. CLARK READ, Colonel BRISSE, and Mr. DONALD DALRYMPLE:—Power to send for persons, papers, and records; Five to be the quorum.

PRINTING.

Select Committee appointed, "to assist Mr. Speaker in all matters which relate to the Printing executed by Order of this House, and for the purpose of selecting and arranging for Printing, Returns and Papers presented in pursuance of Motions made by Members of this House:—"Mr.

BONHAM-CARTER, Sir JOHN PARINGTON, Mr. WALPOLE, Mr. HENLEY, Mr. Secretary CARDWELL, Sir STAFFORD NORTHCOCK, The O'CONOR DON, Mr. HASTINGS RUSSELL, Mr. HUNT, Mr. STANFIELD, and Mr. SOLATER-BOOTM :—Three to be the quorum.

LETTERS PATENT.

Select Committee appointed, "to inquire into the Law and Practice and the effect of Grants of Letters Patent for Inventions."—(Mr. Samuelson.)

And, on February 15, Committee nominated as follows:—Mr. CHANCELLOR of the EXCHEQUER, Mr. ATTORNEY GENERAL for IRELAND, Mr. GORDON, Mr. ARTHUR PEEL, Mr. GREGORY, Mr. HINDE PALMER, Mr. MACFIE, Mr. CAWLEY, Mr. HICK, Mr. MUNDELLA, Mr. MELLOR, Mr. JAMES HOWARD, Mr. ELLIOT, Captain BRAUMONT, Mr. JOSHUA FIELDEN, Mr. DILLWYN, Mr. ORR EWING, Mr. PIM, Mr. LAIRD, Mr. LOSES, Mr. ANDREW JOHNSTON, Mr. WILMOT, and Mr. SAMUELSON:—Power to send for persons, papers, and records; Five to be the quorum.

MUNICIPAL CORPORATION ACTS AMENDMENT BILL.

On Motion of Mr. DIXON, Bill to amend the Municipal Corporations Acts of 1835 and 1850, with respect to the qualification of Aldermen and Councillors, and the division of Boroughs into Wards, ordered to be brought in by Mr. DIXON, Mr. ALDERMAN CARTER, Mr. MUNDELLA, and Mr. STEVENSON.

Bill presented, and read the first time. [Bill 24.]

REFORMATORY AND INDUSTRIAL SCHOOLS BILL.

On Motion of Mr. JOHN TALBOT, Bill to amend the Law relating to Reformatory and Industrial Schools, ordered to be brought in by Mr. JOHN TALBOT, Viscount MAHON, and Mr. COWPER.

Bill presented, and read the first time. [Bill 25.]

EDUCATION OF BLIND AND DEAF MUTE CHILDREN BILL.

On Motion of Mr. WHEELHOUSE, Bill for making further provision for the education of Blind and Deaf Mute Children, ordered to be brought in by Mr. WHEELHOUSE, Mr. MELLOR, and Mr. JACKSON.

Bill presented, and read the first time. [Bill 26.]

PUBLIC PROSECUTORS BILL.

On Motion of Mr. SPENCER WALPOLE, Bill for the appointment of a Public Prosecutor, ordered to be brought in by Mr. SPENCER WALPOLE, Mr. RUSSELL GURNEY, Mr. EYKIN, and Mr. RATHBONE.

Bill presented, and read the first time. [Bill 28.]

LOCAL LEGISLATION (IRELAND) (NO. 2) BILL.

On Motion of Mr. HERON, Bill to diminish the expense and delay of passing Local and Personal Acts relating to Ireland through Parliament, ordered to be brought in by Mr. HERON, Mr. PIM, and Mr. BAGWELL.

Bill presented, and read the first time. [Bill 27.]

House adjourned at a quarter after Eight o'clock.

HOUSE OF LORDS,

Friday, 9th February, 1872.

MINUTES.]—SELECT COMMITTEE—Thanksgiving in the Metropolitan Cathedral, nominated.

ROLL OF THE LORDS.

The LORD CHANCELLOR acquainted the House that the Clerk of the Parliaments had prepared and laid it on the Table: The same was ordered to be printed. (No. 10.)

QUEEN'S SPEECH—HER MAJESTY'S ANSWER TO THE ADDRESS.

THE LORD STEWARD (The Earl of BESSBOROUGH) reported Her Majesty's Answer to the Address, as follows:—

My Lords,

I THANK you for your loyal Address.

It gives me sincere gratification to receive the assurance of your sympathy with me during the recent alarming illness of my dear son The Prince of Wales, and your congratulations on the prospect of his complete recovery.

I RELY with the same confidence as heretofore on your cordial assistance in all measures which may be calculated to promote the prosperity of my people.

IRISH CHURCH TEMPORALITIES COMMISSIONERS—QUESTION.

THE EARL OF LONGFORD asked, When it is intended to appoint a Commissioner of Church Temporalities in Ireland, to fill the vacancy caused by the death of the late Right Honourable G. A. Hamilton? The noble Earl said, that under the Irish Church Act of 1869, three Commissioners were appointed to carry out its provisions, and very large powers were given to them. Any person affected by an Order of one of the Commissioners was entitled to have his case brought before the three; but, by the death of Mr. George Alexander Hamilton, which occurred last year, a vacancy had been created, and since there had been only two Commissioners. One of these was a noble Lord, who very properly desired to take part in the business of that House; and he had also other engagements. The other Commissioner was a learned Judge, who had his judicial duties to perform on

the Irish Bench. Again, any person who now desired to appeal from an Order made by one of the Commissioners was obliged to have his appeal heard by only two, one of whom was the Commissioner who had decided the matter in the first instance. It was not alleged that there had been any failure of justice, or any neglect of business on the part of either of the Commissioners; but he submitted that, as the Act provided for three Commissioners, it was not a satisfactory state of things to have only two.

THE EARL OF DUFFERIN replied, that it was not the intention of Her Majesty's Government to fill up the vacancy caused by the death of Mr. Hamilton, because, in their opinion, two Commissioners were amply sufficient to perform the duties for which three had been originally appointed. A Bill would be introduced for the amendment of that portion of the Act providing for the hearing of appeals by three Commissioners.

THE EARL OF LONGFORD said, he should oppose that Bill whenever it was brought in.

LORD ROMILLY desired to bear testimony to the efficient manner in which the late Mr. Hamilton had performed his public duties.

House adjourned at a quarter past Five o'clock, to Monday next, a quarter before Four o'clock.

HOUSE OF COMMONS,

Friday, 9th February, 1872.

CHOICE OF A SPEAKER.

THE SERJEANT came, and brought the Mace, and laid it under the Table.

Then the **RIGHT HONOURABLE WILLIAM EWART GLADSTONE** addressing himself to the Clerk, who (standing up pointed to him, and then sat down) said: I have to acquaint the House of Commons that Her Majesty having been informed of the resignation of the Right Hon. John Evelyn Denison, the late Speaker of this House, gives leave to the House to proceed forthwith to the choice of a new Speaker.

Then **SIR ROUNDELL PALMER** stood up, and, addressing himself to the

Clerk, said:—Sir Erskine May—On former occasions when we have been called on to elect a new Speaker, it has generally been at the beginning of a New Parliament; and, under such circumstances, the minds of those who have undertaken the duty which, imperfectly, I am about to endeavour to discharge, have naturally been led, in the first place, to dwell on the merits and services of the Speaker who has last left the Chair. The circumstances under which I now address the House are different. It is not quite 24 hours since we all had the pleasure of listening to the two greatest orators in this House—of all men the fittest to be our spokesmen on such an occasion—when they tasked the choicest powers of their eloquence to pay the tribute which was justly due to the great services and exalted character of Mr. Evelyn Denison, and to express in appropriate terms the sentiments of respect—I might say of reverence and regard—for his person which are entertained by all the Members of this House. That duty both of them discharged, I venture to say, in a manner thoroughly satisfactory to us all. It was worthy of the occasion, worthy of Mr. Denison, worthy of the speakers themselves, and worthy of this House. The touching words in which the tribute paid to him was acknowledged by Mr. Denison showed that he deeply felt that the House had been worthily represented on that occasion. It showed also, if I may venture to say so, how worthy he himself was of the tribute which had been paid him. Under these circumstances, I do not feel it to be any part of my duty to attempt to gild refined gold, or to add anything to what was then said on a subject so interesting to us all. And although, of course, I feel—as probably everyone feels who for some years past has taken any active part in the business of this House—my own individual share of obligation to Mr. Denison to be so great that it would be a pleasure to me adequately to express my sense of it, still I think it would be unbecoming and almost inexcusable if I were to dwell longer on a topic to which such ample justice has been done. I pass, therefore, to the immediate business of the day. With the example of Mr. Denison and his predecessor before us, and with the echoes of the speeches to which I have just referred still ringing in our ears, it cannot be a matter of

great difficulty to us to realize what the Speaker of this House ought to be. He should be a man of long Parliamentary experience and great knowledge, who has habitually paid much attention to the public and also to the private business of Parliament. He should be a man of a high personal bearing, of spirit, and of dignity of character such as befits a thorough English gentleman, and such as will make him fit to preside over an Assembly which, having to discharge the most august functions of any assembly in the world, has always been proud of bringing to those functions the essential qualities which distinguish gentlemen, qualities without which doubtless it would never be able rightly to discharge those duties. He should be, of course, a man of strict justice and impartiality, beyond impeachment or suspicion. He should be a man of large attainments and of a mind fitted for business. He should be a man of a kindly and genial temperament, of good practical sense, of firmness, and at the same time of sound judgment. He should understand our privileges, and be capable, on all proper occasions, of maintaining them with authority and dignity, and at the same time with wisdom and moderation. He should also be able—especially in the times in which we live—to discharge the still more important and far more difficult duty of maintaining, by moral authority, the order of our debates and the dignity of our proceedings, helping us all, both in seen and in unseen ways, to maintain that self-respect and self-discipline, that mutual respect for each other, and that spirit of obedience to the laws of this Assembly, which are essential to the discharge of the duties of Parliament, and by reason of which Parliament, in the most difficult times, has hitherto been able to discharge those duties to the satisfaction and advantage of the country. I believe, looking around me, and looking before me, that there are, as there always have been, and I trust always will be, more than a few men in this House equal, if they should be called upon, to the discharge of these duties—

*"Primo avulso, non deficit alter
Aureus : et simili frondoset virga metallo."*

Our present duty is to choose one such man to occupy the chair lately and so worthily filled by Mr. Evelyn Denison.

Sir Roundell Palmer

And I propose to you to choose a Member of this House well known, and I venture to think universally popular among us—the Right Hon. Henry Bouvier William Brand. It appears to me that it may be justly said of him, that he possesses all the qualities which I have ventured to enumerate as necessary for that great office. He has had 20 years' Parliamentary experience—first as Member for the borough of Lewes, and afterwards for the county of Cambridge—during which period he has paid the most intelligent and unremitting attention to the business, both public and private, of the House, and has become familiar with all those special branches of knowledge which are important to a Speaker. He is distinguished, if any man in this House is, by his genial, kindly, cordial, hearty temperament. He is a man of uniform courtesy, and has the bearing of a thorough gentleman. He has also the qualities, as those who know him best can testify, and as the House in general, I think, must be aware, of firmness and decision. I do not doubt that whatever duty he may be called on to discharge, he will discharge it with such a courtesy as will win him the affections of all, and with such tact and discretion as will accomplish all those great objects which we desire to see accomplished by any one who fills that Chair. If I were to search for any possessor of these qualities in a higher degree than Mr. Brand I should search in vain. I have not yet spoken of that quality which perhaps of all is the most important—strict justice and impartiality. I feel very confident that there is not a Member of this House who doubts that this requisite also will be fulfilled in the person of Mr. Brand. Of course, every one of us sits here upon one side of the House or on the other; but in these political divisions—which, after all, are of very great service in the due conduct of public business and in the maintenance of public virtue—in these political divisions, as they are and have been known among us through so many generations and under so long a succession of illustrious Speakers, there is not ordinarily—I might almost say there never has been—the element of personal acrimony, personal ill-will, or personal prejudice against those with whom in politics we may not happen to agree. Every Speaker

must be taken from one side of the House or the other, as a matter of necessity; yet the history of that long roll of illustrious men has been a history of impartiality and justice. I will not say that in remote times there may not have been exceptions; but in modern times, and speaking generally, to each of them in succession as he left the Chair, and to many of them who were re-elected after their first election—not merely from one side of the House, but from the other—a just tribute has been paid, acknowledging their merits; and the sentiment of the House has found expression in the desire that as long as possible they should continue to serve. I recollect that on one or two former occasions it was mentioned as a circumstance attaching to the distinguished man who was then proposed for the Chair, that he had no experience of office. Well, I cannot say that of my right hon. Friend Mr. Brand. He has undoubtedly had some experience of office. But it never was the rule of this House—and I hope it never will be—that men who serve their country in offices of the State are therefore to be disqualified, if the House should think fit to ask for their services in the important place of Speaker. As long as office is filled with honour and without reproach, why, office shows the man. And if the qualities which make a man fit for the Chair have been already shown by him in an office in which he was brought into contact continually with all the Members of the House on both sides, who thereby had the opportunity of becoming thoroughly conversant with his character and with his abilities; and if such a man conducted the duties of such an office with tact, discretion, and courtesy, making hosts of friends on both sides and not an enemy anywhere, then I say we have an additional proof of his fitness for the Chair. I feel that I have said enough, and I now conclude by moving "That the Right Honourable Henry Bouverie William Brand do take the Chair of this House as Speaker."

The HONOURABLE PETER JOHN LOCKE KING said: I beg to second the Motion of my hon. and learned Friend, that the Right Hon. Henry Bouverie William Brand do take the Chair. My hon. and learned Friend has spoken with his usual eloquence and clearness, and so fully and truly

with regard to the qualifications of my right hon. Friend that, concurring as I do in all that he said, he has left me but very little to add. I may, however, be permitted to say that it is with the greatest satisfaction and pleasure that I second this Motion, for I feel conscientiously that there is no one who is better qualified than my right hon. Friend to fill the distinguished post of Representative of the House of Commons and to be the first Commoner in the land. But while the honour is very great, the duties are not only arduous, but at times onerous in the extreme, and almost overwhelming. I venture, however, to think, from the well-known habits of business which my right hon. Friend possesses, and from his knowledge of the forms of the House, that he will be able to discharge those duties to the satisfaction of the House of Commons. We cannot disguise from ourselves that from the vast number of Members who now attend, from their various dispositions and tempers, and from the great freedom of debate which exists, the Speaker of this House should be one who is well acquainted with mankind generally, and possesses unusual delicacy of feeling, to enable him to deal successfully with every circumstance that may arise. There are, it seems to me, so many qualities required in a Speaker—they are so essential, and at the same time so different, so opposed to one another—that they are very rarely to be found in the same individual; but, from the acquaintance which I have had with my right hon. Friend, extending over many years, and which, if he will permit me to say it, has grown into friendship, I feel convinced that all these qualities, however opposite, are united in him. On the one hand, there are the qualities which have been referred to by my hon. and learned Friend, of firmness, decision, vigour, and, I will add, promptness; of knowing how and when to interfere, at the right time and in the right manner, so as to prevent and nip in the bud, as it were, any threatened attempt at disorder, and of doing this before any cry has arisen, or party spirit—which is so much to be deprecated—has been aroused. On the other hand, there are the qualities of urbanity, courtesy, frankness, and—in these days more especially—patience, which are so important in the daily intercourse of the Speaker

with the different Members of the House. I remember in my early Parliamentary life an incident which struck me very forcibly. A Member was trying an experiment of a somewhat questionable and of a novel kind. The Speaker of that day, with an expression which I could not describe, but which I shall never forget—there was nothing in it harsh or severe, for it was mild and gracious—but yet the mere expression of his countenance conveyed to this Member the disapprobation of the House, and caused him to discontinue the experiment which he was trying. I do not know whether we may look to my right hon. Friend to possess a faculty which is really requisite in these days—whether he may be able to devise some means of shortening our hours of labour, of curtailing, if it be possible, these tedious and procrastinating debates, and of inventing some way—without interfering with the rights and privileges of Members—by which an alteration may be effected in the system of moving incessantly the Adjournment of the Debate and the Adjournment of the House. If my right hon. Friend would make a discovery of some kind by which this could be effected, I feel that he would deserve not only the thanks of the House, but the thanks of the nation also. Time was when Representative Assemblies were somewhat rare, when we were anxious that our example should be followed in other countries, and that Representative Assemblies should increase throughout the world. They have increased since then; and, happily, it is still in our power to furnish an example of how the affairs of a great nation may be conducted with dignity in a popular Assembly. And to this end nothing is more important than the fitness of the person who, as Speaker of this House, is called on to preside over the most ancient, the freest, and the most independent Representative Assembly in the world. I beg to second the Motion.

And the House unanimously calling Mr. BRAND to the Chair,

The Right Honourable Gentleman stood up in his place, and said:—To my hon. Friends who have brought my name under the notice of the House I owe my very best thanks. Their partiality has induced them to say more of me than I deserve. I am very sen-

sible that there are many hon. Members who might be selected from all parts of this House more worthy than I am to fill the high station of Speaker of this honourable House. I say this not as mere words of form, but in all sincerity. When I think of the growing powers and responsibilities of this House, and of the momentous issues which depend on its judgment, I hesitate to take so prominent a part in its proceedings. But I place myself at the service of this House, and I know no higher service to which a man can devote his life. If it be the pleasure of this House that I shall occupy that Chair, I shall look for my guidance to the Rules and Orders established from time to time by the wisdom of this House. I shall look for my examples to the long roll of distinguished men who have occupied the Chair; and among them are two eminent living Speakers who will give me good advice. I shall look for my assistance from day to day to the learning, experience, and tried ability of the officers of this House. But, above all, I shall rely on that which I prize most highly—the generous indulgence of this Assembly of English gentlemen. I am reminded of a happy phrase applied to the Speaker, whose presence to day we all miss and whose retirement we all regret. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), who is a master of happy phrases, when supporting the re-election of the Speaker in 1859, spoke of him as manifesting, among other qualities, the purity of an English judge, and the spirit of an English gentleman. If, after faithful service of this House, I could obtain such a character from this House, I should reach the summit of my ambition, and I should feel that I had lived to some purpose. I place myself, with all humility, at the will of the House.

The House then again unanimously calling Mr. BRAND to the Chair, he was taken out of his place by the said Sir RUNDELL PALMER and the Honourable PETER JOHN LOCKE KING, and by them conducted to the Chair.

MR. SPEAKER ELECT, standing on the upper step, said: I am very sensible of the high honour which you have just conferred. I can only say that as long as I have to carry on the functions of the Chair, I will do my duty to the best of my ability to this House, and I will

The Hon. P. J. Locke King

carry on the functions of the Chair with fairness and impartiality :

—and then sat down ; and the Mace was laid upon the Table.

Then MR. GLADSTONE said : Mr. Speaker Elect: Sir, that share of duty which has fallen to my lot during the last few days, in connection with the lamented retirement of Mr. Denison, has been chiefly tinged with regret. I am now called on to discharge an office which is one of unmixed satisfaction in rising to congratulate you upon your having received, in your election to the high office which I trust you will long enjoy, the unanimous suffrage of the House. Sir, I need hardly remind you, or remind the House, of the nature of the place you will be called upon to fill, or of the influence you will have upon our acts. We all rejoice to regard our Speaker, as in some substantial sense, the Chief Commoner of the Realm. To that Chief Commoner we seek to pay every special honour that we can devise. In social relations we rejoice to surround him with some of those marks which we do not render except to Royalty itself. It is our general desire and the fixed habit of the House of Commons to magnify the office of Speaker. And, Sir, that is partly because we have been accustomed to choose from among us the very worthiest class of men whom these benches on the one or the other side of the House could supply ; and it is also partly because we feel that the respect and deference so paid to the occupant of the Chair are reflected upon the House of Commons itself, and form an important contribution to the satisfactory discharge of its high duties. Sir, in bearing such an office, you well know how much will be expected from you—how many qualities, the exercise of which we have all had for many years more or less extensive opportunities of admiring. For my own part, having had the honour of enjoying your friendship, and having lived for no small length of time in daily intercourse with you, through evil and through good report, I may claim peculiar opportunities for appreciating the qualities which have recommended you to the House and the distinction you have received. My hon. and learned Friend (Sir Roundell Palmer) has enumerated those qualities in a manner

which I shall not attempt to emulate, and he well and wisely reserved for the climax of all the impartiality which is expected from the Chair. No more evil sign ever could attend the proceedings or darken the prospects of this House than the slightest remission in the strictness of that rule which establishes for the Speaker, in the discharge of the duties of his office, a total absence of preference for any party association. In this House, Sir, party associations are made ; they give animation to our proceedings ; they are, I believe, among the conditions of the truest patriotism. They may more or less darken our views of questions and events ; but the Speaker rises above them all, and that is true of him which was well said by the poet—

"Like some tall cliff that lifts its awful form,
Swell's from the vale and midway leaves the
storm,
Though round its base the gathering clouds
may spread,
Eternal sunshine settles on its head."

And the view of the Speaker has never been clouded by those party associations of which we are so conscious. Sir, I am persuaded it is a promise of your happy destiny to maintain the elevated standard which has been established by a long series of predecessors for the occupant of the Chair. In your endeavours for that purpose, you will have the support of your own accomplishments and knowledge, and of your own high intellectual and moral qualities ; you will have the support of those official assistants, who never at any time were more competent to give aid and guidance in the discharge of your arduous duties ; and you will be inspired during your labours by the traditions of the Chair ; and, lastly, I feel confident that that appeal which you have made to the candid consideration of the House, in the appropriate words you have pronounced, is an appeal which will strike home to every heart and every mind ; and, so far as it is in our power, will cheer and sustain you in your labours, and that while you remain the occupant of the Chair you will receive that cordial and unfailing support which is derived from the confidence and approval of the House of Commons. Having signified that Her Majesty has permitted the House to proceed with the immediate election of a Speaker, I have now to inform the House that it is Her Majesty's pleasure that the House shall

present their Speaker upon Monday next, at Four of the clock, in the House of Peers, for Her Majesty's Royal Approbation. Having done that, Sir, I believe the next step is to move "That the House do adjourn till Monday next."

Motion agreed to.

House adjourned at a quarter before Five o'clock

HOUSE OF LORDS,

Monday, 12th February, 1872.

MINUTES.—**SELECT COMMITTEE**—Thanksgiving in the Metropolitan Cathedral, The Lord Gwydir added.

PUBLIC BILLS.—*First Reading*—Union of Bene- fices Act Amendment* (12). *Second Reading*—Burial Grounds (6)

The House met at Four of the clock, and a Royal Commission was read; and Five of the LORDS COMMISSIONERS, namely—The LORD CHANCELLOR, The LORD PRIVY SEAL (The Viscount Halifax), The LORD STEWARD OF THE HOUSEHOLD (The Earl of Bessborough), The EARL OF CORK AND ORREY, and The VISCOUNT EVERSLY, being in their Robes, and seated on a Form placed between the Throne and the Woolsack, commanded the Yeoman Usher of the Black Rod to let the Commons know, "The Lords Commissioners desire their immediate attendance in this House."

And the Commons being at the Bar;

SPEAKER OF THE HOUSE OF COMMONS,
PRESENTED AND APPROVED.

THE RIGHT HONOURABLE HENRY WILLIAM BOUVERIE BRAND,
Speaker-Elect, said—

"**MY LORDS,**

"I have to acquaint your Lordships that Her Majesty's faithful Commons, in obedience to Her Majesty's commands, and in the exercise of their undoubted right, have proceeded to the election of a Speaker, and that their choice has fallen upon me. I now present myself at your Bar, humbly submitting myself for Her Majesty's gracious approbation."

Mr. Gladstone

THE LORD CHANCELLOR:

"**MR. BRAND,**

"We have it in command from Her Majesty to declare Her Majesty's entire confidence in your talents, diligence, and efficiency to fulfil the important duties of the high office of Speaker of the House of Commons, to which you have been chosen by that House; and in obedience to the Commission, which has now been read, and in virtue of the authority therein contained, we do declare Her Majesty's Royal allowance and confirmation of you, Sir, as Speaker of the House of Commons."

Then **MR. SPEAKER** said—

"**MY LORDS,**

"I submit myself with all humility to Her Majesty's Royal will and pleasure; and if, in the discharge of my duties and in the maintenance of the rights and privileges of the Commons House of Parliament. I should inadvertently fall into error, I entreat that blame may be imputed to me alone, and not to Her Majesty's faithful Commons."

Then the Commons withdrew.

The House adjourned during pleasure.

ASSASSINATION OF THE GOVERNOR GENERAL OF INDIA.

THE DUKE OF ARGYLL rose and said,—"My Lords, it grieves me to say that I have a most painful communication to make to your Lordships' House. This afternoon, at half-past 1 o'clock, a telegraphic message was received at the India Office from Mr. Ellis, a Member of the Indian Council. It is dated Sau- gor Island, February 12, and was, I believe, sent this morning. This is the message—

"I have to announce with the deepest regret that the Viceroy was assassinated by a convict at Port Blair on the 8th inst., at 7 in the evening. The Viceroy had inspected the several stations of the settlement, and had reached the pier on his way to the boat to return to the man-of-war Glasgow, when a convict, under cover of darkness, suddenly broke through the guard surrounding the Viceroy, and stabbed him twice in the back. The Viceroy expired shortly afterwards. The assassin was arrested at once, and is being tried. His name is Sher Ali, a resident in foreign territory beyond the Peshawur frontier. He was convicted of murder by the Commissioner of Pes- hawur in 1867, and sentenced to transportation for life. He was received in the Settlement in May, 1869."

My Lords, it is my duty, on behalf of the Government, to express, in the first place, the deep sympathy which we feel with the family of Lord Mayo in a calamity and an affliction so unlooked for and so overwhelming. As regards the friends of Lord Mayo, this House is full of his personal friends. I believe no man ever had more friends than he, and I believe no man ever deserved better to have them. For myself, I regret to say that I never even had the honour of Lord Mayo's personal acquaintance; but we came into office at almost the same time, and I am happy to say that from that time our communications have been most friendly, and I may say most cordial. I think I may go further and say that there has not been one very serious difference of opinion between us on any question connected with the government of India. I hope, my Lords, it will not be thought out of place, considering my official position, if, on behalf of Her Majesty's Government, I express our opinion that the conduct of Lord Mayo in his great office—the greatest in my opinion which can be held by a subject of the Crown—amply justifies the choice made by our predecessors. Lord Mayo's Governor Generalship did not fall in a time of great trial or great difficulty from foreign war or domestic insurrection, but he had to labour under constant difficulties and great anxieties which are inseparable from the government of that mighty Empire. This I may say, I believe with perfect truth, that no Governor General who ever ruled India was more energetic in the discharge of his duties and more assiduous in performing the functions of his great office; and, above all, no Viceroy that ever ruled India had more at heart the good of the people of that vast Empire. My Lords, I think it may be said further that Lord Mayo has fallen a victim to an almost excessive discharge of his public duties. If Lord Mayo had a fault it was that he would leave nothing to others—he desired to see everything for himself. On his way to Burmah he thought it his duty to visit the Andaman Islands, to inspect the convict establishments and see in what manner the rules and discipline of a convict prison were carried out there. My Lords, it was in the discharge of that duty he met his death. I believe his death will be a calamity to India, and that it will be

sincerely mourned not only in England and in his native country—Ireland—but by the well-affected millions of Her Majesty's subjects in India. [The address of the noble Duke was heard with marked emotion and sympathy.]

THE DUKE OF RICHMOND: My Lords, I cannot remain silent on the present occasion. If Her Majesty's Government feel deep sympathy with the family and relatives of Lord Mayo, how much more must I feel, who have lived on the most intimate terms of friendship and affection with him and all those belonging to him? It will be gratifying, at all events, to Lord Mayo's family to hear from the lips of my noble Friend the Secretary of State for India that Her Majesty's Government have appreciated his conduct during the time he has been Governor General of India. He has, I believe, amply justified the anticipations and hopes formed of him by Her Majesty's late Government when they selected him for that important office. I feel that he leaves behind him a name second to none of those illustrious names who have gone before him; and though it is difficult to talk of consolation, however small, under such circumstances, I believe that this must be some consolation to those who now mourn for him. My Lords, I feel too much to say more on this subject, but I could not remain altogether silent.

IRISH LAND ACT.

OBSERVATIONS. MOTION FOR RETURNS.

VISCOUNT LIFFORD rose to call the attention of the House to the working of the Irish Land Act, and to move for Returns of the Land Cases decided in the counties of Antrim and Donegal, stating the amount of rent in each case and the sum awarded as compensation by the chairman of quarter sessions. The noble Viscount said that, notwithstanding the large promises held out by the passing of the Land Act in 1870, it seemed to him that the relations between landlord and tenant in Ireland were at this moment in a more unsatisfactory state than ever, and great difficulties stood in the way of a complete settlement. Both parties were held in a state of doubt and anxiety as to the result. On the one hand, the landlords were in doubt in respect of the extent to which they might be deprived of their property; and, on

the other hand, the tenants were in doubt as to the extent to which they might make demands against the proprietors of the soil. Some of the tenants evidently indulged in the wildest hopes. He had always been in favour of giving fair compensation to the tenant for *bond fide* improvements; but, under the Irish Land Act, entirely new conditions had been introduced in connection with the ownership of property. The landlord was supposed to be proprietor of the soil; but if you consulted an Irish lawyer, he would tell you that under the Irish Land Act the tenant had acquired a right in it. It was not extraordinary that those learned gentlemen should have arrived at that opinion, seeing the decisions which had been given on compensation claims by some of the Chairmen of Quarter Sessions in Ireland. The 1st section of the Irish Land Act legalized the Ulster tenant-right custom, which had been described by Mr. Thompson, the President of the Agricultural Society of England, and by other authorities, as an extraordinary anomaly. In some parts of Ulster it did not exist at all: and where it did exist there was an extraordinary difference as to the number of years' purchase sanctioned by the custom in one place as compared with another. The Chairmen of Quarter Sessions or assistant barristers in Ireland were nearly analogous to the County Court Judges in England, and while some of them were men of the highest talent and of great professional experience, all of them were not of that stamp. He would state what had occurred in two or three cases to show how the Act was working. A tenant-farmer in Antrim held 33 acres, and when he died he left two sons. The landlord did not care which of the sons had the farm, but left that question to be decided by a jury who sat on the father's will. That jury decided that the younger son should have the farm. The elder son had lived with the father, but had never paid rent. However, when the younger son was put in possession of the farm, the elder made a claim against the landlord for about £700, and the assistant barrister who heard the case awarded him £600. There was another case in which a landlord evicted a tenant who, he had every reason to believe, had fired a shot at his steward, because of an improvement which the latter was engaged in effect-

ing on the property. The rent of the holding had been £6 a-year, but on the claim for compensation the Chairman of Quarter Sessions awarded £250, or something more than 41 years' purchase, the ordinary rate of purchase for fee-simple in that part of the country being from 18 to 20 years. He did not say that the Chairman was wrong; it might be the fault of the Act; but for a man to be obliged to pay as compensation to a tenant double the value of the fee-simple of the holding was rather too much of a good thing in the way of tenant-right. Lord Derby said on a recent occasion that in Ireland the land had been surrendered to the peasants, and there was not the least doubt of it. In England if there was a dispute between landlord and tenant it could be carried from Court to Court till brought before their Lordships' House as the Court of Final Appeal; but in Ireland the appeal from the Chairman of Quarter Sessions was to a single Judge, who had the power of pronouncing a final decision if he did not think fit to reserve the case for the Court for Land Cases Reserved. One of the social effects of the Land Bill was an increased opposition to the laws of property, while its political results might be seen in the late elections for Galway and Kerry. Now, he thought the least the Irish landlords had a right to ask was that in all cases there might be the power of bringing an appeal to a tribunal constituted of greater numbers of Judges, whose decisions would carry greater weight, and be authoritative in construing the Act.

Moved, That there be laid before the House, Returns of the Land Cases decided in the counties of Antrim and Donegal, stating the amount of rent in each case and the sum awarded as compensation by the chairman of quarter sessions.—(The Viscount Lifford.)

THE EARL OF DUFFERIN said, the Government would offer no opposition to the production of the Paper moved for by the noble Viscount; but the House would scarcely expect him to follow his noble Friend into the general controversy which he had sought to raise as to the principles and merits of the Irish Land Bill, and the results it had produced. He must say for himself that it would never have occurred to his mind to attribute the success of a particular candidate in Galway or in Kerry to the working of the Irish Land

Act. That was a mere matter of opinion upon which it would be unprofitable to waste argument. Indeed, he thought it would be altogether hopeless to think of founding any argument for or against an Act of Parliament on cases such as those which had been brought forward by his noble Friend, and which, however truly stated by his noble Friend, must of necessity have been derived from *ex parte* sources, while little reliance could be placed upon decisions brought to their Lordships' notice by means of the meagre accounts of trials published in the local newspapers. Even supposing the circumstances as communicated to his noble Friend to be quite accurate, the decisions might perhaps be presented under a very different appearance from that which they presented when stated without reference to other circumstances. If, for example, the tenant-right custom prevailed in one of the cases cited by his noble Friend, and if the landlord had consented to or connived at the tenant paying a very large sum for the possession of the farm, the assistant barrister might have founded his decision on that circumstance when the tenant was evicted. Undoubtedly an uncertainty did at present prevail which was painful to the minds of both landlords and tenants:—it was desirable that in respect of rights and claims such as those of landlord and tenant all uncertainty should be put an end to as soon as possible; but their Lordships would remember that no more difficult point had presented itself during the discussions on the Land Bill than the devising of machinery for dealing with those rights and claims. A large number of persons, including the greater number of the tenants in the North of Ireland, thought that Parliament ought to define what tenant-right was; but, on the other hand, a great reluctance was manifested by those who had considered the subject to lay down a fixed definition applicable to every case. Consequently, there was thrown on the Courts of the assistant barristers a very difficult, a very onerous, and, he believed, to them a very unwelcome duty; but, at the same time, it was a duty which they alone could discharge. There were so many different forms of tenant-right that they could only be disposed of by local tribunals capable of conducting a minute examination of the particular

case. Such being the nature and the variety of the different customs of tenant-right to be dealt with under the Act, he dared say that what the noble Viscount stated was perfectly true—namely, that in different Courts different decisions had been arrived at by different assistant barristers. That, undoubtedly, was an evil, but, unfortunately, it was a state of things for which, at the time of the discussions on the Bill, neither the noble Viscount nor any one else suggested a remedy. Again, though it was an evil, it was an evil which would certainly cure itself. The noble Viscount would recollect that there was an appeal from the assistant barrister to the Judge of Assize, and that it was competent to the learned Judge to refer any case of doubt to one of the best Courts that existed in any country—the Court for Land Cases Reserved. The noble Viscount was aware also that one of the objects of the Bill was to bring justice home to the doors of persons in even the humblest position, and he thought that Parliament, with much wisdom, determined not to give too great facility to the richer party for appeals, and so occasion both expense and vexatious delays. That was the reason power had been given to the Judge of Assize to pronounce a final decision; but no one could suppose that, if the appeal which came before any one of them involved a question of a really doubtful character, the Judge might not be relied on to reserve it. As he had said, there was no objection to the production of the Paper asked for by his noble Friend.

VISCOUNT MIDLETON said, he regretted that the noble Lord (Viscount Lifford), who had introduced the subject had limited his Motion as he had done, because he (Viscount Midleton) believed that if he had taken a wider scope of inquiry he would have found that decisions had been arrived at in the South of Ireland which would be equally surprising to their Lordships' House. That it should be so did not at all surprise him, because while the Bill was passing through the Lower House, of which he was then a Member, he had predicted that the machinery provided by the measure must break down, more or less, on the points referred to by his noble Friend. Therefore he was not at all astonished at the cases brought under their Lordships' notice from Ulster. The fact was

that among the assistant barristers were some of the most distinguished ornaments of the Irish Bar; but there were also among them individuals whose legal eminence was not equal to their political claims on their party. They had been called upon to deal with a class of cases that they were before wholly unacquainted with; and hence, in spite of their honest desire to do their duty, a diversity of decisions had been given, productive of the most serious evil. Out of this state of things a second evil had arisen—namely, the appearance of a class of practitioners in the small towns of Ireland, whose business was, and whose livelihood mainly depended on, the trumping up of a series of fictitious claims, the items of which were piled one on the other in the hope that where so much was asked something at least would be obtained. This led to the adoption of similar tactics on the other side, and the result was a multiplication of details which would seem incredible to persons familiar only with the procedure of the English Courts. To give an instance. An assistant barrister had decided not very long ago that a claim might be entertained for the cartage of materials in buildings constructed many years since, and he had actually allowed a sum of 5*s.* per day in a claim for labour of this description performed 13 or 14 years ago, at a time when the price of labour was much lower than it is now. Everyone who knew the condition of Ireland would understand how unreasonable was such an allowance. Another grievance much complained of was the dilatory course of procedure in the Courts of Appeal. An instance had come under his own personal knowledge that was worth mentioning. In January, 1871, a case was brought forward at the land sessions at Fermoy in the county of Cork before the assistant barrister; his decision was appealed against, and the appeal was heard at the Spring Assizes, in the following April, by Chief Baron Pigott, six days being occupied over it. The learned Judge reserved his judgment, and from that day to this it had not been delivered. It was a leading case, upon which many others depended; no one who knew the Chief Baron could suppose that the delay arose from any want of learning or knowledge on his part, and the only solution he could suggest was that he

had forgotten all about it, or, at all events, that he had overlooked the importance of the case as a precedent. Whatever the original opinion the Members of this or the other House might have entertained upon the Land Bill, now that it had become law there could be but this desire on the part of men of all parties—that it should fulfil the objects of its authors; but he was convinced that unless they could secure more uniformity in the decisions, more regularity of practice, and more expedition, especially in regard to cases carried into Courts of Appeal, they would find that the Land Act had created difficulties and had caused heartburnings greater and more serious than those it was intended to remove.

THE MARQUESS OF SALISBURY suggested that the noble Viscount should add to his Motion a Return of the number of appeals to the Judges of Assizes, and of the cases on which those learned Judges had reserved points for the Superior Court.

VISCOUNT LIFFORD assented.

Motion amended, and agreed to.

Ordered. That there be laid before this House, Returns of the Land Cases decided in the counties of Antrim and Donegal, stating the amount of rent in each case and the sum awarded as compensation by the Chairman of Quarter Sessions; also, Returns of the cases in which Appeals have been carried up to Judge of Assize, and the cases which the Judge of Assize has remitted to the Court of Land Cases Reserved.

BURIAL GROUNDS BILL. (No. 6.)

(*The Earl Beauchamp.*)

SECOND READING.

Order of the Day for the Second Reading, read.

EARL BEAUCHAMP, in moving that the Bill be now read the second time, said, it was the same measure as that he had introduced into their Lordships' House last Session, and which, after having been carefully considered by a Select Committee, had been passed by their Lordships and sent down to the other House. It had there passed the second reading, after a division, by a considerable majority; but the pressure of business prevented its further progress, and it was ultimately withdrawn. A very brief explanation of its contents would, therefore, be sufficient. One of the grievances complained of by the Dis-

Viscount Middleton

senters, and intended to be remedied by the Bill, was this—that they did not enjoy the same facilities for acquiring land for burial purposes as the members of the Established Church. The Bill would remove this injustice, and would place the members of both bodies on precisely the same footing in that respect. The other principal object of the Bill was this—that persons desiring to be buried in churchyards where their ancestors were lying, might be solemnly interred without having the burial service of the Established Church read over them, if they had left in writing their wish that it should not be read, or if their relations and representatives desired to dispense with it. He would add that during the Recess he had received a great number of letters from clergymen—many of them totally unknown to him—expressing their approval not only of the purpose of the Bill, but also of the machinery it provided for carrying that purpose into execution. Some of them had even declared that the facilities for acquiring land should be made still greater, and that power should be given to vestries to buy and sell land for that purpose; but that was a suggestion which he felt it would not become him to introduce, whatever might be the course adopted with regard to it in the other House.

Moved, “That the Bill be now read 2^d.”—(*The Earl Beauchamp.*)

THE BISHOP OF LONDON said, he should support the second reading. The Bill, he believed, would remove almost the only real grievance relating to burial under which the Nonconformists suffered in the present state of the law, and everyone must desire to see it remedied. It was also unjust to the clergymen of the Church of England, for it was unquestionably a grievance that a minister should be compelled to read the Church of England Service over the remains of a person who entertained an objection to that service. It was generally assumed that the clergyman was now compelled to do that, on the strength of a well-known legal decision; but it should be remembered that in that case, the object of the suit was to ascertain whether the clergyman had the right to refuse when he was asked to read the service, and not whether he was legally bound to read it when he was asked to abstain. How-

ever, it would be very desirable that the point should be clearly settled. At the same time he had reason to think that the grievance, though existing, was not felt at all as widely as was sometimes represented. Last year he had taken some pains to ascertain from the various chaplains of the metropolitan cemeteries what services were used in the unconsecrated portions of those burial grounds, and he was very much astonished to find that the service generally used was that of the Church of England, either in whole or in part—that was to say, it was the Church of England Service, in the main, with some omissions. No doubt, however, difficulties were felt, and it was right they should be removed. The other portions of the Bill, by which the same facilities for obtaining burial grounds were given to Nonconformists as to Churchmen, did only common justice. He, therefore, hoped their Lordships would give a second reading to the Bill.

THE BISHOP OF WINCHESTER welcomed the re-appearance of the Bill very heartily, and hoped it would prove more successful “elsewhere” than had been the case last year.

Motion agreed to: Bill read 2^d accordingly, and committed to a Committee of the Whole House on Thursday next.

UNION OF BENEFICES ACT AMENDMENT BILL [H.L.]

A Bill to amend an Act passed in the twenty-third and twenty-fourth years of Her Majesty's reign, intituled “An Act to make better provision for the Union of Contiguous Benefices in Cities, Towns, and Boroughs”—Was presented by The Lord Bishop of London; read 1st. (No. 12.)

House adjourned at a quarter past Six o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 12th February, 1872.

MINUTES.]—NEW MEMBER SWORN.—Francis Sharp Powell, esquire, for York County (West Riding, Northern Division).

SELECT COMMITTEE.—Public Petitions, appointed and nominated.

PUBLIC BILLS.—Ordered.—First Reading—Mines Regulation [29]; Metaliferous Mines Regulation* [30]; Education (Scotland) [31]; Capital Punishment Abolition* [32]; Marriages (Society of Friends)* [33].

Second Reading—Royal Parks and Gardens [17].

Question of the same kind, because he will not obtain from me any gratification of his curiosity as to what has passed between His Royal Highness the Field Marshal Commanding-in-Chief and myself with regard to the selections in question.

THE FIJI ISLANDS—QUESTION.

MR. MACFIE (for Mr. WHALLEY) asked the Under Secretary of State for Foreign Affairs, with reference to the Memorial from the Native Chiefs and the White Population of the Fiji Islands praying Her Majesty to accept that dominion. Whether the reasons for rejecting the same were communicated to the Memorialists or are otherwise placed on record, and whether the Government will make known the same; and, if the policy adopted by Consul Thurston and other local authorities towards the Polynesian Company as disclosed in the Correspondence and Documents lately published has received the approval of the Government?

VISCOUNT ENFIELD: As at the time of the presentation of the Memorial, to which the hon. Member alludes, the future policy of Her Majesty's Government with respect to the Fiji Islands had not been finally agreed upon, it was not considered advisable to give any definite reply to the purport of the Memorial.

REVISING BARRISTERS.—QUESTION.

MR. NEVILLE-GRENVILLE asked the Under Secretary of State for the Home Department, When a Return, respecting Revising Barristers, ordered last July, will be laid upon the Table?

MR. WINTERBOTHAM replied that the first part of the Return could not be furnished, but probably the hon. Member would be able to obtain from the Secretary to the Treasury the information contained in the second part.

TREATY OF WASHINGTON — ENGLISH AND AMERICAN CASES.—QUESTION.

MR. GOLDSMID asked the First Lord of the Treasury, Whether Copies of the English and American Cases will be presented to the Members of the two Houses of Parliament; and, if so, when?

MR. GLADSTONE: I must, in answer to my hon. Friend, draw a distinction between the English and American

Mr. Cardwell

Cases. The English Case is a document in our own discretion. The American Case is not. So far as regards the American Case, the circumstances I understand to be these—Copies of it have been liberally distributed; but it has not been officially presented to Congress, though, as I understand, published in America. We have no usage analogous to that; but we do not think it would be consistent with the respect and deference which, of course, we owe to a friendly Government in all matters of courtesy to present to Parliament a document which it has not thought fit to present to its own Legislative Assembly. I may mention for the accommodation of my hon. Friend what probably is known to him, and what has become known to me by my being favoured with a copy—that this Case has been printed in London, and is on sale, as I am informed. But with regard to our own Case the circumstances are different. It is not open to us, without introducing a usage which would be quite novel, and I think not very acceptable to Parliament, to adopt exactly the same course as has been adopted by the American Government with regard to this Case. According to general rule our own Case would not be presented to Parliament, because it is a document prepared for a process which has yet to come on, and it is for the consideration of the Arbitrators. But under the peculiar circumstances of this particular matter, when the American Case has obtained so much publicity, we think there ought to be a deviation from the general rule, and if my hon. Friend thinks fit to move for the Case there will be no objection whatever to its production. It might lead to a misunderstanding if the Government presented it, because the matter is only in an initiatory and introductory stage; and I would remind the House of this—which they are probably aware of—that they must not read our Case with the expectation that they are to find in it any reply to matters which are contained in the American Case, and which may have appeared there for the first time, because, of course, it was prepared anterior to the receipt of the American Case.

EMIGRATION TO THE MAURITIUS.

QUESTION.

MR. R. N. FOWLER asked the Under Secretary of State for the Colonies, What

steps Her Majesty's Government have taken to ascertain the truth of the allegations which are contained in a Petition signed by upwards of 9,000 old Indian emigrants in the Mauritius; and, whether there is any objection to lay upon the Table the Correspondence relative to the proposed expulsion from the island of M. De Plevity, the author of a pamphlet on the subject?

MR. KNATCHBULL-HUGESSEN : The best answer which I can give to the hon. Gentleman is the statement that a Commission has, at the request of the Mauritius planters, been appointed to inquire into the condition of the Indian labourers employed in Mauritius, and into the allegations contained in the pamphlet mentioned. Mr. Frere, who lately presided with so much ability upon the Demerara Commission, and Mr. Williamson, of the Northern Circuit, will form this Commission, and will start for Mauritius next month. It is only right I should add that, although it is believed that amendments in detail are required in the existing laws at Mauritius, the Governor has expressed his belief in the general well-being and good treatment of the labourers. Pending the inquiry, I think it would hardly be desirable to present to Parliament any such *ex parte* statement as would be involved in the publication of the Correspondence in question.

EXPEDITION IN SEARCH OF DR. LIVINGSTONE.—QUESTION.

MR. GRIEVE asked Mr. Chancellor of the Exchequer, If he would state to the House the considerations which influenced the Treasury in withholding aid to the Expedition about to be sent out in search of that distinguished Traveller, Dr. Livingstone?

THE CHANCELLOR OF THE EXCHEQUER : I hope the Question of the hon. Gentleman will not be considered as a precedent that every Minister is bound to state to the House, at the demand of any hon. Member, all the considerations that are in his mind and influence particular decisions. I must say that would be, in my opinion, a very inconvenient course of proceeding. In this instance, however, I have not the slightest objection to reply to the Question put by the hon. Gentleman. Now, in the first place we subscribed £1,000

for the relief of Dr. Livingstone at a time when he was in a place called Ujiji. The money subscribed never reached him, and he was not benefited by it at all. Secondly, we are in profound ignorance of the locality in which Dr. Livingstone is at the present time. I am sorry to say we have entirely lost sight of him, and the expedition about to go out is to be sent out for the purpose of finding out where he is, and when he is found—which I hope he will be—to relieve him. It appeared to me that this is an object which, although it may very properly be undertaken, is hardly one in which it would be proper for the Government to embark. Perhaps the brave men who engage in it may themselves be involved in the difficulties, whatever those difficulties have been, which have overtaken Dr. Livingstone, and we might therefore be committed to a series of expeditions. A third consideration is that there is now, under the command of an English gentleman, a large armed force from the establishment at Gondokoro, at the head of the navigation of the Nile, which is probably now engaged in exploring the region of the two great lakes, the Albert and the Victoria Nyanza. By far the best chance for Dr. Livingstone is that he should hear of this, what I may call, extraordinary event—the presence, I mean, of this large, well-armed force in Africa; and that, having become acquainted with the fact, he may turn his steps in their direction. It is from those armed men that Dr. Livingstone would be most likely to receive relief; but, so far as I am able to form an opinion, I think it is exceedingly undesirable that the Government should enter upon the practice of giving subscriptions to objects placed in private hands, and forwarded by private means, however meritorious those objects may be. Parliament has not, in its wisdom, chosen to set aside any sum for this purpose in its provision for the year, and the Government must, therefore, take on themselves the responsibility of judging whether or not it will subscribe for such an object without any indication of the pleasure of this House. All Governments might be sufficiently ready to gain a little popularity for themselves if they could by being facile in these matters. Another consideration—and it appears to be a serious one—is that when the Government does

subscribe the public money, it is not altogether right in losing control over that money; and if a case can be made out for the Government giving a subscription, a still better case might be made out for the Government undertaking the enterprize itself. Further, it is quite a false analogy to treat the Government as we do a wealthy individual, and to say that the same reason which makes it right for a rich man to subscribe towards a particular object would make it right for the Chancellor of the Exchequer to do the same. The difference between the two cases is perfectly manifest, because the private individual holds his money for his own benefit, and can do what he likes with it, whereas the Government holds the public money as a trustee. Moreover, the money with which the Government is intrusted is contributed not by the rich only, but by poor and rich alike. These are the considerations which influenced the Government in not subscribing.

SIR JAMES ELPHINSTONE asked, If he might remind the right hon. Gentleman that Dr. Livingstone was Consul General of Her Majesty in that part of the world?

MR. GRIEVE asked the First Lord of the Admiralty, If it is correct, as reported in the newspapers, that two Naval Officers who had volunteered to join the Expedition in search of Dr. Livingstone, the African Explorer, had been put on half-pay?

MR. GOSCHEN, in reply, said, that the Question of his hon. Friend appeared to rest on a misconception that the Admiralty had, by some special act, placed the two officers referred to on half-pay. That was not so. One was on half-pay, and the other had completed the period of active service in which he had been engaged. The question, therefore, which the Admiralty had to consider was, whether the Government ought to place those gentlemen on full pay during the expedition. A request to that effect was made to the Admiralty, and instructions were given to ascertain whether there was a precedent for such a course, and he had been informed that there was none. It was not active service, and except on active service on behalf of Her Majesty, no officer had ever been placed on full pay. The nearest case to the present was that of Sir Leopold M'Clintock, when he undertook the

The Chancellor of the Exchequer

Arctic Expedition; he was considered to be on active service, but it was by special Order in Council that the time occupied was allowed to count as time on service. With every desire, therefore, to promote the objects of the expedition, the Admiralty was unable to place the officers on full pay, they not being on active service.

IRELAND—PRIVATE BILL LEGISLATION. QUESTION.

MR. PIM (for Mr. MAGUIRE) asked the First Lord of the Treasury, If it be the intention of the Government to propose any measure with the object of having Private Bills dealt with in Dublin?

MR. GLADSTONE: It is the intention of the Government to make proposals, as I hope in the present Session, with a view to facilitate the progress of such business as is usually dealt with by Private Bills in the case of Ireland, not upon the ground that there is anything in the case of Ireland which is in principle distinct from the case of the other portions of the United Kingdom, but on the ground that it is extremely desirable to lighten, wherever it can unobjectionably be done, the burdens of this House, and to promote and expedite the transaction of business. I am not prepared to say how far it will be in the power of my noble Friend the Chief Secretary for Ireland to carry his measure, because the subject is one which goes into a good deal of detail, and I do not wish to raise any premature or excessive expectations. But it is not proposed to proceed until my hon. Friend the Chairman of Committees (Mr. Dodson) has given effect to the pledge which he has entered into with the House of Commons—namely, that he will, on a very early day, raise the whole subject of private business for consideration and discussion in this House. After that has been done, we think it will be possible for us to see our way in this matter better than at present; but until then we shall not arrive at any positive decision as to the mode of proceeding.

POST OFFICE—DELAY OF TELEGRAPH MESSAGES.—QUESTIONS.

MR. ANDERSON asked the Postmaster General, Whether during the recent strike of Telegraph Clerks a Go-

vernment official suppressed, delayed, or otherwise interfered with certain telegraph messages; whether that was done with the knowledge or sanction of the Government; and, if not, whether Government has censured or is prepared to justify the act?

Mr. MONSELL, in reply, said, that on the 7th of December four postal telegrams were delayed for, he thought, about four hours. On the 8th of December six more were delayed, but only, he believed, for a few minutes. That was done without the knowledge or sanction of the Government. The best answer he could give to the last part of the Question was to read the following reply which he had directed to be addressed to the Manchester Chamber of Commerce on the 20th of January last:—

"I am directed by the Postmaster General to acknowledge the Resolution of the Manchester Chamber of Commerce, complaining of the delay of telegrams by the Department during the recent strike. Mr. Monsell desires me to call your attention to the fact that the Department had to deal not only with an organized opposition within itself, but also with an intention to put the public to the greatest possible inconvenience as a means of coercion. When it was found that the machinery of the Department was used against the objects for which it was established, the necessity arose for immediate action in the interest of the public, and the detention of the telegraphs of which you complain was made openly and without any attempt at concealment. But the language of the Acts of Parliament bearing on the subject appears to Mr. Monsell so clear and precise, and the importance of retaining public confidence in the inviolability of telegrams sent through the Post Office so manifest, that he has found himself unable to give an official sanction to proceedings which nevertheless he believes to have been dictated by a sense of public duty. Mr. Monsell desires me to add that he has directed an order to be issued calling the attention of the Department to the Acts of Parliament defining the duties of Post Office telegraph officers with respect to the transmission of telegraphic messages, and requiring strict obedience to the law."

Clear and definite instructions, to prevent a recurrence of what had occurred, had been drawn up and issued to the whole of the Telegraph Department; and he therefore trusted that the course he had taken had secured the inviolability of telegrams—to which the public naturally attached the greatest possible importance—without, however, casting a censure, which he was sure everybody in that House would regret, on a meritorious public servant.

MR. W. H. SMITH asked the Postmaster General, with reference to a Re-

solution recently passed by the Manchester Chamber of Commerce, Whether he has received a written explanation from the officer who is charged in that Resolution with committing a breach of the Law in delaying private Telegrams; and, if so, whether he will lay that explanation upon the Table of the House?

Mr. MONSELL, in reply, said, he had called for the explanation referred to in the hon. Gentleman's Question; and if the hon. Gentleman thought fit to move for a copy of it, it would be laid on the Table.

SCOTLAND—RIOT AT BUCKIE. QUESTION.

MR. GATHORNE HARDY asked the Lord Advocate, Whether he has received information of a riotous mob at Buckie, in the parish of Rathven, on the 6th instant, by which the meeting of the Parochial Board was prevented, and some members of it injured; and, whether he has taken any steps to punish the rioters, and to insure safety to members of the Board who may desire to attend its future meetings?

THE LORD ADVOCATE, in reply, said, he had not received official information of the riotous mob referred to, but having, in consequence of the Notice of that Question, caused inquiries to be made, he had learnt that several persons were in custody on account of those proceedings, which were in course of investigation by the local authorities.

MR. SPEAKER'S RETIREMENT.

MR. GLADSTONE acquainted the House, that their Address of the 8th day of February,

"That Her Majesty would be most graciously pleased to confer some signal mark of Her Royal Favour upon the Right Honourable John Evelyn Denison, Speaker of this House, for his great and eminent services performed to his Country during the important period in which he has, with such distinguished ability and integrity presided in the Chair of this House,"

had been presented to Her Majesty; and that Her Majesty had been pleased to receive the same very graciously; and had commanded him to acquaint this House that Her Majesty, in compliance with the wishes of Her faithful Commons, will gladly confer upon the said Right Honourable John Evelyn Denison a signal mark of Her Royal Favour.

BUSINESS OF THE HOUSE.

OBSERVATIONS.

MR. CRAUFURD said, he would remind the right hon. Gentleman the Chancellor of the Exchequer that by fixing the discussion of his Resolutions on this subject for to-morrow, he would seriously interfere with the privileges of private Members—a proceeding not well calculated to expedite business. With a view to remedy that injustice, he trusted that the Resolutions would be taken on some Government night.

THE CHANCELLOR OF THE EXCHEQUER said, he should be sorry to encroach on the domain of private Members, but his Motion for to-morrow would be postponed until the House had disposed of all the Motions of private Members, with the exception of those of the hon. Member for Gloucester (Mr. Monk) and the hon. Member for North Warwickshire (Mr. Newdegate), who had kindly given way.

MR. NEWDEGATE said, he would willingly postpone the Motion which stood in his name until that of the right hon. Gentleman the Chancellor of the Exchequer had been disposed of. That Motion had been suggested to him by the state of the Public Business at the close of the last Session. But one circumstance weighed with him very much, and that was the absence of the right hon. Gentleman the Member for Kilmar-nock (Mr. Bouvier), and he was unwilling that the subject should come forward until that right hon. Gentleman was present, who had had a share in bringing the Committee of last year to some of the Resolutions it had come to. He, therefore, would not urge the Government to proceed to-morrow with this subject.

MR. MONK said, that under any circumstances he would go on with his Motion to-morrow, whatever course the Chancellor of the Exchequer might think proper to take. If, however, the right hon. Gentleman went on to-morrow he would yield him precedence.

SIR HENRY SELWIN-IBBETSON rose amid cries of "Order."

MR. SPEAKER said, that the House was now engaged upon "Questions," and the observations of the last two speakers had exceeded the limits of Questions. There being no Question

before the House that discussion was irregular.

ROYAL PARKS AND GARDENS BILL.

(*Mr. Ayrton, Mr. Baxter.*)

[BILL 17.] SECOND READING.

Order for Second Reading read.

MR. AYRTON, on moving that the Bill be now read a second time, said, he had hoped the House would have taken that course without interruption, in order that they might take up its consideration at the point where they stopped last Session; but he understood that his hon. and learned Friend the Member for Oxford (Mr. Vernon Harcourt) intended to move that it be read the second time that day six months, and he would rather reserve his observations on the measure until he had heard the objections of his hon. and learned Friend.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Ayrton.*)

MR. VERNON HARcourt said, he had not seen that Bill till last Saturday, and he had now come down to the House intending to move its rejection in the strongest manner open to him. He took that course for the reason that he thought the House should be made aware of what was the character of the first Bill set down for their consideration that Session, and he would venture to say that it was such a measure as had never yet been laid on the Table of an English Parliament. What was the nature of that measure which referred to the regulation of the Parks? Professing to regulate the Royal Parks, it made an attack, of which they could find neither example nor precedent, upon the liberties of the subject. The Bill first of all referred to certain persons called park-keepers, who, although he had not time to inform himself specifically on the subject, he imagined were appointed to look after the Parks by the Ranger. He believed they were not generally *ex officio* police constables. The Bill was divided into two parts; in the first part of which Section 4 said that persons doing certain acts should, on conviction by a Court of summary jurisdiction, be liable to a penalty not exceeding £5; and then came a remarkable clause, providing that any park-keeper, and any persons whom he might call to his assistance, might

take into custody, without a warrant, offenders in the Park where such park-keeper had jurisdiction, provided the offender's name or residence was unknown to him. That was a different thing from the case of a man being called on to give his address, and refusing to give it. Although the person might offer him his address, yet if the park-keeper did not know it he might arrest him without warrant, which was a very great and striking departure from the ordinary course of English law. The power of arresting Her Majesty's subjects without a warrant was a very serious power to be allowed to be exercised in this country. The general rule of law in former times was that no police constable could arrest a man unless an act of a very serious character was done in his presence, or unless he had some information that a felony was about to be committed. It had been the custom in later Acts to extend—he was not sure wisely to extend—the powers of the police, and to give them, under strict limitations, authority to arrest without warrant. But those powers were not at all of the same character as those contained in this Bill. They were not given to people like park-keepers, but were strictly limited with reference to offences defined by Parliament. He would now call attention to the character of the offences for which these exorbitant powers were to be exercised. The Bill itself did not profess to define the offences for which Her Majesty's subjects were to be arrested; but it left to the Ranger of the Park for the time being to draw up such regulations—and such regulations might be of the most extravagant nature, for there was no public responsibility—as he might think fit, for the breach of which Her Majesty's subjects were to be treated as though they were felons, vagabonds, or—what were regarded as worse in this country—poachers. In his opinion it was most improper to give such powers to the Ranger as the Bill proposed to invest him with, and he defied any Member of that House to produce a precedent for a Bill of this description. There was to be a power to arrest, without warrant, persons who offended against regulations which were not defined in the Bill, and which regulations were to be framed by the Ranger, who was an officer of the Crown. For such a thing there was no precedent.

No doubt in the Police Act there was power to arrest for certain offences: but the offences were defined in the statute. He was also aware that under Clause 12 of the Metropolitan Streets Act, power was given to arrest without warrant, under regulations to be subsequently made; but those powers were infinitely more restricted than those proposed to be given under the present Bill. He begged to draw the attention of the House to the character of the regulations for the breach of which people were to be arrested without warrant. Under one of these regulations any person might be arrested without warrant who should disturb any animal grazing in any Park, or which might be in the waters thereof; so that if a person were to disturb the sheep in going across the Park, or who might catch a minnow in the Serpentine, would be liable to be arrested without warrant. Certainly, if he were to put a worm upon his hook for the purpose of fishing, he would come within the terms of that regulation. The rules of a Park were defined to be such rules as might, in relation to any matters within the jurisdiction of the Ranger of the Park, be from time to time made by the Ranger, or as concerned other matters, by the Commissioners of Works. The Ranger, to whom this despotic power was given, as he had said before, was not a Parliamentary officer, neither was he subject to Parliamentary control, he was a mere nominee of the Crown; and he had yet to learn that the House of Commons was inclined to give to a nominee of the Crown power to make regulations under which Her Majesty's subjects might be arrested without warrant. He was aware that the clause went on to state that any such rules should be "under the common seal of the said Commissioners;" but he was not going to trust even the right hon. Gentleman himself to define rules for which people were to be treated as vagrants and poachers. It might be asked what could be the motive of the Government for bringing in such a Bill as this; but the answer to that question was to be found in the 8th Regulation, which proposed to enact that—

"No person shall deliver, or invite any person to deliver, any public address in a Park, except in accordance with the rules of the Park."

That was what the Bill was meant for.

What was "an address" in a Park? He supposed that by "deliver an address" was meant "make a speech," and it was a pity that it was not so said. The rules of the Park were not made, but were to be thereafter made, and the offences were to be in accordance with the rules which the Ranger should choose to make. Now, he objected to legislation of that kind. He supposed that as the Ranger of the Park was to frame the rules, he would also have power to determine what sentiments should or should not be uttered in the Parks under his control. Again, by Regulation 11, no person was to be allowed to use any water in a Park for fishing or for any other purpose; and by the 12th to bring any dog into the Park, except in accordance with the rules of the Park. Talk of the Six Acts of Lord Castlereagh, or of General Warrants, why they were nothing to the provisions of that Bill, and he could not conceive that the House of Commons would sanction such legislation as that. He was aware that the measure had been sent in the course of last Session before a Select Committee of the House, and that it had been returned in its present form; but he thought he was correct when he observed that on that Committee there was no lawyer, except the right hon. Gentleman who was the Chairman, who had been so long an absolute monarch that he had forgotten the first principles of law. For his part, it passed his understanding how anybody could recommend a Bill, founded upon such principles as the one before them, and he saw no necessity for interfering with the Parks at all. Englishmen were a very well-conducted, law-abiding set of people, and there was no necessity for irritating, provoking—and he had almost said—insulting them, by legislation such as was proposed by this Bill. Why not leave the Parks and the people alone? If this question of the Parks were to be raised at all, legislation of a very different character would be required to that of the enactments contained in the Schedule of the Bill. It would not do to legislate so as to make the Parks the exclusive preserve for one class of society. The law, with regard to our Parks, was different from that of any other country in the world, because it excluded from them all but carriage folks. ["No, no!"] Yes; no carriage but a private one was

allowed to enter the Parks; but in Paris there was no restriction upon any person driving upon the Champs Elysee or the Bois de Boulogne; and there was no despotic country in the world where persons who had not a carriage of their own were refused access to the Parks. They might depend upon it that that Bill would not settle the question in a way that would be satisfactory to the public opinion of the country. Regulation 16 of the Bill proposed to enact that no person should wilfully interfere with or annoy any other person using or enjoying the Park, or any part thereof, in accordance with the regulations of the Park, or otherwise using or enjoying the same in any lawful manner. What a definition of an offence for which a man could be arrested without warrant! One man did not like tobacco, and another might interfere with his enjoying the Park by smoking, and for this he might be arrested without warrant. It would be a discredit to the House of Commons to entertain that Bill for a moment after they had ascertained its real character; and, therefore, there was no stage of the Bill at which he would not offer it every opposition in his power, and he should certainly give his vote against the second reading.

MR. BERESFORD HOPE said, that having been a Member of the Select Committee to which the Bill had been referred to last Session, he felt bound to protest against the exaggerated, the *ad captandum*, and the romantic description of the Bill which had been given by the hon. and learned Member opposite (Mr. Vernon Harcourt). No doubt the measure might be amended in Committee, but the attempt to regard it as an infraction of *Magna Charta*, or the Bill of Rights was ridiculous in the extreme. All that Her Majesty's Government desired to do by this Bill was to make such rules and regulations as would secure the greatest enjoyment of the Parks to the greatest number of Her Majesty's subjects, and to restrain those whose greatest delight was to annoy other people. The Select Committee in dealing with the Bill had, irrespective of party views, endeavoured to make it as efficacious as possible, and it had been again introduced into that House in the exact form in which they had framed it. He must inform the House that in drawing up the regulations in the Bill—which

some people might, perhaps, regard as being rather stringent—the Committee had before them the regulations in force in a large number of Parks which had been formed either by corporations or by the liberality of private individuals, which were as a rule even more stringent than those contained in the Bill. Thus, by the regulations in force in Finsbury Park, in Southwark Park, in Aston Park, Birmingham, in Lock Park, Barnsley, in the People's Park, Halifax, and in other public Parks, public meetings and addresses were illegal, and in the metropolitan Parks, under a penalty of 40s. It might be politic or impolitic to prohibit the delivery of addresses and speeches and sermons in the public Parks, but in proposing to insert such a regulation in the Bill the Committee had not been acting without those numerous precedents. The language of the clause might be capable of amendment, but the thing it proposed to do was not a novelty, and to treat it as being one would be to raise a false issue. The hon. and learned Gentleman opposite had in his most superb way ridiculed the idea of any interference with the disturbing an animal, but did he desire that dumb animals might be worried out of their lives at the good pleasure of a number of "roughs"? It was impossible in framing an Act of Parliament to use other than general words, and a great deal must of course be left to the discretion of the magistrate before whom persons charged with having committed a breach of the regulations were brought, and from what was known of the conduct of the "roughs" whom the hon. and learned Gentleman had taken under his protection for that night only, the dumb portion of animated nature would fare very ill unless something was done for their protection. If the hon. and learned Gentleman objected to the language of the Bill, let him find words that would define exactly the weight of the stone that might be thrown at a sheep, or the thickness of the stick that might be used to strike them. As the hon. and learned Gentleman's invidious reference to the use of the Parks by "carriage folks," he might observe that Regent's Park, Victoria Park, St. James's Park, and the west side of Hyde Park were cab Parks. The Bill was simply intended to regulate those magnificent institutions their Royal Parks, which,

existing nominally as appanages to the Crown, were in reality maintained for the enjoyment of the public, and he therefore trusted that the House would not be led away from that view of the matter, but would read it a second time.

COLONEL HOGG said, he should also support the Bill, which could easily be perfected in Committee. He would not go into the details of the matter, but as regarded the general principle of there being rules for the regulation of the Parks, he, speaking with the experience which he had as Chairman of the Metropolitan Board of Works, maintained that it was absolutely essential and necessary that the Parks should have judicious regulations. There were carefully-framed regulations for Finsbury and Southwark Parks, and because the Board were not able to frame by-laws for the Thames Embankment, the public had been very much inconvenienced. Last year, however, the Board applied to the Government to put into their Bill a clause to enable the framing of regulations for the Thames Embankment. As to Hampstead Heath and Blackheath, the Board had been diligently employed in framing regulations, although they had to meet serious difficulties. He might mention, as an instance proving the necessity for some regulations, that the seats which had been placed in the Parks for the public convenience were often entirely occupied by persons lying at full length upon them. He should heartily support the Bill, which he hoped would be read a second time.

MR. AGAR-ELLIS said, he was of opinion that the Bill went no further than was necessary to preserve the Parks for the recreation of the general public, and while glad that Her Majesty's Government had brought in a measure for regulating them, was afraid that, as they had done in former instances, they had rather bungled over their work. They should have made their rules in the first place, and then have drawn up the Bills applying them. Whatever the rules might be, the public ought to know their nature; and he particularly objected to power being given to the Ranger to make regulations of so arbitrary a character. But whatever the faults of the Bill might be, they could be easily amended in Committee, and therefore he should vote for the second reading of the measure. The hon. and learned Mem-

ber for Oxford (Mr. Vernon Harcourt) had been very eloquent on the subject of the preservation of the Parks for one class of society solely, but the only times when he had seen them appropriated by one class only were when they had been invaded by "roughs" and large mobs. The people generally were entitled to the enjoyments of the Parks, and they ought to be protected in the legitimate use of them.

MR. HENLEY said, that the Bill seemed to him to be drawn up in a way that was not very unusual with Liberal Governments—that was, it totally disregarded the liberty of the subject. A person was to be liable to be arrested and kept in confinement—it was not said for how long—simply because a park-keeper did not know him; and if he refused his address he might be fined £5 in addition. He did not refer to the parties who were to be empowered under it to make the arrest, because they might be very proper persons to discharge the duties of park-keepers, but he objected to any person being liable to be arrested and kept in confinement because the park-keeper did not happen to know him. Now that was a pretty Algerine kind of legislation. And the most serious objection was, that there were no provisions for making public the regulations under which persons were to be subject to such heavy penalties. He believed that out of the offences named in the Schedule there were at least ten that were to depend upon legislation to be made by the Park authorities. He thought that, in common justice, there should be some security that the regulations should be made known to the public, for how otherwise could people know whether they were committing an offence. He could quite understand that a Bill of this kind might be necessary, but he never saw a Bill that was drawn with so little regard to the liberty of persons. A man who committed a trespass upon your ground might be arrested, but you were bound to take him as quickly as possible before a magistrate; but here a park-keeper might arrest a man on Saturday night, and he might be kept locked up until Monday morning for a comparatively trifling offence. If they must legislate upon this matter, it was very desirable that offences should be defined. What, for instance, was meant by "furious riding?"

Mr. Agar-Ellis

He thought that some legislation of the kind might be necessary; but he also thought that the Bill was drawn with very little regard except for one thing—that was, to have power to carry out any regulations which might be made by the Ranger, or by the right hon. Gentleman the First Commissioner himself, however arbitrary or improper they might be, without notice to the public of them in any way.

LORD JOHN MANNERS said, he must regret that the hon. and learned Member for the city of Oxford (Mr. Vernon Harcourt), after such sentiments as he had expressed, had not concluded with the usual Motion, that the Bill be read a second time that day six months, inasmuch as by so doing he would have afforded the right hon. Gentleman the First Commissioner the opportunity of explaining his reasons for asking the House to assent to the second reading of the Bill.

MR. VERNON HARCOURT explained that he had acted under a misapprehension, for he had expected the right hon. Gentleman the First Commissioner to speak immediately after himself, deeming this the most convenient course. To enable the right hon. Gentleman to take part in the debate, he would now move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(Mr. Vernon Harcourt.)

LORD JOHN MANNERS, remarking that the object he had in view was answered by the Amendment, said it might at first sight appear strange that the regulations were not included in the Bill, but he presumed that it would be impossible to frame regulations applicable to all the Parks dealt with by the measure. Recent experience had demonstrated the necessity of conferring powers on properly-constituted authorities, and though the phraseology of the clauses might require amendment, the House could scarcely refuse a second reading to a measure which came before it not only with the sanction of a Liberal Government, but also with the sanction of a Select Committee, which had given considerable attention to the subject.

MR. BAILLIE COCHRANE observed that there was a great inconsistency in the Bill, inasmuch as whilst it prohibited addresses being delivered in the public Parks, there was no clause in it to prevent public meetings—such, for example, as were being constantly held in Hyde Park and other Parks. It appeared to him that if there were one abuse greater than another, it was the disturbance by public meetings in those Parks of a violent political character of the peace and tranquillity of the inhabitants of the surrounding neighbourhood. There was no doubt much in the Bill that was good, but he thought that a distinct clause should be introduced into it prohibiting such meetings accompanied by processions of a lawless and seditious character. He was by no means opposed to freedom of discussion. Nevertheless, he was in favour of prohibiting large gatherings of people in Hyde or other Parks on Sundays for the purpose of discussing political questions, as he was of opinion that such gatherings were a nuisance which interfered with the tranquillity and enjoyment of well-disposed people, and as such they should be suppressed.

MR. WHITE said, he hoped the Bill would be withdrawn. Everybody admitted that the people of the metropolis should have some place where they could meet and discuss public topics, for in countries where such gatherings were prohibited the alternative was conspiracy, and Primrose Hill had sometimes been suggested for this purpose, yet the Bill excluded both that and every other available place. He presumed, from the restriction of the Bill to England, that the Government regarded the Irish as entitled to hold meetings in Phoenix Park, while to the English the privilege could not be safely intrusted.

MR. MITFORD, as a Member of the Committee responsible for the clause to which exception had mainly been taken, stated that the majority of the Committee deemed it absurd, while stringently protecting the sheep and wild fowl, to leave untouched the monster grievance of the metropolis. That grievance was, that at the beck of a few irresponsible and ambitious demagogues the main thoroughfares of the West End and Hyde Park were given over to mob law, necessitating the withdrawal of police from other parts of the metropolis for the purpose of preventing mischief. Hitherto the law re-

gulating admission to the Parks had been in an unsettled state, but after the consideration of the whole question by a Select Committee, and the introduction of a Bill upon it in two successive Sessions, the rejection of this clause would imply the sanction by the House of those lawless proceedings. The object of such assemblages was not to express opinions which could be expressed in plenty of other and more suitable places, but to overawe Members of the Legislature and of the Government by marching through St. James's Street and Pall Mall. Till of late there might have been some justification for these meetings; a few Peers and wealthy men returning a great part of the House, and the public at large having no voice in public affairs, but those barbarous times had passed away. He called on the House to do away with these assemblages as a relic of barbarism akin to the show of hands at elections, and to require mob law to give way to Parliamentary law.

MR. DENISON said, while not opposing the second reading, he regarded with some jealousy the large powers which were to be conferred on the Rangers of the Parks, and believed the Bill would require considerable modification. The regulations to be hereafter issued might, of course, be unobjectionable, but, if otherwise, there would be no means of rescinding them except by an Act of Parliament.

MR. ALDERMAN W. LAWRENCE said, he must congratulate the right hon. Gentleman the First Commissioner of Works on the omission of a clause forming part of last year's Bill, which left no option to a magistrate in dealing with an unfortunate urchin who happened to be brought before him by a park-keeper for knocking down a horse-chesnut, or hooking a minnow, but required him to impose a fine of at least 5s., and it might be £5. The keepers were virtually police, and were entitled to no greater powers within the Parks than the police had outside them. It behoved the Government to be cautious in trenching on the enjoyment of the lowest class of the people, who were glad to leave their miserable homes and breathe the fresh air. Under the Bill a person whose name happened to be Smith or Brown would be consigned to the station-house for the night by a keeper who was not satisfied of the genuineness

of the name, and who would be put in a position of authority over men clad in flannel or corduroy, but in the receipt of higher wages than himself. It was impossible to tell what regulations might hereafter be issued. Sixty or seventy years ago livery servants, workmen, and persons carrying parcels were excluded from Kensington Gardens. He was not aware that the flowers had been destroyed, or any disorder practised which called for legislation, and if the object of the Government was to put a stop to public meetings—a question which he would not now go into—it should be openly avowed. Hon. Members who enjoyed the Parks in the season should remember that the mass of the people were confined to London all the year round. If the Parks were made so "proper" as for these people to be driven out, could order be expected to prevail if distress happened to exist? At present the metropolis, with its 3,000,000 of inhabitants, gave less anxiety to the Government than almost any manufacturing town in the country; drunkenness, moreover, being admittedly on the decrease, though in the North it was increasing. The Bill must have been brought in by the advice of hon. Gentlemen opposite, and they could not have given the right hon. Gentleman better advice for their own interests, for the measure tended to bring him a degree of unpopularity he was little aware of.

Mr. AYRTON said, that while listening to his hon. and learned Friend's (Mr. Vernon Harcourt's) description of the Bill, he had been unable to identify—he could not say the Bill itself, but his own intentions in submitting it to the judgment of the House. He had been astonished at the transcendental tone assumed by his hon. and learned Friend, with the view of prejudicing the Bill in the eyes of hon. Members on the Ministerial side of the House. It had been intimated, too, by the worthy Alderman who had just spoken (Mr. Alderman Lawrence) that the Bill must have been suggested by hon. Members opposite, and that it would endanger his popularity. Now, he felt bound to inform the House that he had not consulted a single Member on the opposite side with respect to the Bill, and that his sole object had been to ensure the comfort and enjoyment of the inhabitants of the metropolis in the use of the Royal Parks. The position

he occupied had made him so sensible of the annoyance to which well-disposed people were subject in the use of the Parks, that he had felt himself bound to protect them from persons who, unfortunately, existed in a great metropolis like this, and who could not use anything without abusing it. He hoped, then, that his hon. and learned Friend the Member for Oxford, and any others who were disposed to share his sentiments, would dismiss from their minds all such extraordinary impressions as the statement of the hon. Gentleman conveyed. Another assertion which had been made for the purpose of prejudicing the Bill was, that the Government had framed it with a sinister design of suppressing public meetings.

Mr. VERNON HARCOURT said, he did not say that that was the design of the Government, but that it was the design of the Bill.

MR. AYRTON said, that if such was the design of the Bill, it must be his own design, he having introduced it and being responsible for its details. Now, the fact was that in the Bill as originally introduced by him, Clause 8 did not appear, it being afterwards inserted by a vote in the Committee against his wish. That clause seemed to him unnecessary, for reasons which he would explain, but its insertion was no reason for not proceeding with the Bill. That was not the first time that public Parks had engaged the attention of the Legislature, and it was a mere accident that the Royal Parks had not been treated by Parliament like other Parks. For some years Acts had been passed for providing Parks and places of recreation for large towns, in all of which the local or other authority was empowered to make rules for the use and enjoyment of these places, the Metropolitan Board of Works being the authority in the case of the metropolitan Parks established by local arrangement, and having power to make rules of a very comprehensive character. Why had not the Royal Parks been similarly treated? He believed that originally they were under the administration of an officer of the Crown, who had absolute authority over them, and that on several new Parks being established they had been placed under the control of the Office of Works or the Commissioners of Woods, in order to their being treated as Royal Parks. It was sup-

posed, therefore, that the Parks under his own administration would be subject to whatever control the officer of the Crown might think fit to exercise. Now, the Royal Parks were in point of law the property of the Crown in the same way that any private enclosed park was the property of its owner, the Crown, or those who exercised its authority, having the same power as the owner of any private park. In the case of a private park it was perfectly easy for the owner to control the management of it. A private park had usually one, or perhaps two or three gates, and the owner could prescribe such rules as he might think necessary to prevent his property being injured, and to enable persons to recreate themselves without doing injury. He could easily enforce his regulations by turning out those persons who did not comply with them. The Crown, of course, could do the same thing, but for very serious practical difficulties. The Royal Parks had a great many gates, and, as far as he could, he was causing additional gates to be made in them, so as to give new facilities to the public to enter these Parks. The gates of the Royal Parks were kept open, and it was perfectly idle to say that you could enforce the powers of the Crown in the same way as the owner of a private park could exercise his powers with regard to his park. That being the case, the question was, ought the Royal Parks to be placed on a different footing from every other Park that had been established by the authority of Parliament? Ought they to be deprived of those regulations which Parliament had declared to be absolutely necessary for every other Park that it had sanctioned? It was for those who opposed the Bill to show that there was some peculiarity about the Royal Parks to exempt them from those regulations which Parliament had so often declared were essential for the advantageous enjoyment of Parks by the public. He quite agreed with the observation that the people of the metropolis were essentially friends of order and well-conducted; but among the 3,000,000 inhabitants of the metropolis there was a small percentage of ill-conducted and ill-conditioned people. A percentage of 10,000 among 3,000,000 might be regarded as very small; but if 10,000 people were to enter a park and be guilty of improprieties, and have no

respect for property, he must say that the rest of the 3,000,000 would be deprived of the enjoyment of the park, which they were entitled to receive. The Government had found that that was practically the case. Persons had been known to drive what was called a "trap" amongst peaceable equestrans without the possibility of interfering with them. And, again, much annoyance and many accidents had happened from dogs barking at horses. In fact, it was not long since that a lady was killed in Rotten Row from a mishap of that kind. He did not for a moment intend to confine the misbehaviour complained of to those who were called "roughs," because there was frequently great misconduct practised by those who wore superfine cloth coats. His wish was to be able to restrain those who misbehaved themselves, so that others might really be able to enjoy themselves without fear and annoyance. It was a mistake to suppose that the Bill had been introduced for the benefit of those who rode in carriages, because the carriage drive required, perhaps, the least protection of all. If in Victoria Park persons were playing at cricket in the open spaces, there was nothing to prevent a person from going into the middle and stopping the game. All that could be done would be to politely ask him to go away, and if he did not all that could now be done was to put him outside the Park, and having done that there was nothing to prevent his returning and repeating his conduct. No punishment could be inflicted upon him for his misbehaviour. Those instances of annoyance to those who were peacefully enjoying themselves in the Parks could be multiplied if necessary, showing the necessity for the clauses contained in the Bill, and in answer to those hon. Members who had raised objections as to its want of detail, he would remind them that the peculiarity of the Bill compared with general legislation was, that, whereas in the case of all other parks, the managers had absolute power to make rules for their regulation in order to guard against any abuse of authority on the part of the Crown, the Bill had been drawn so as to give only a limited and definite power to make rules for the Royal Parks. It was impossible to put all the details in the Act, and the object of giving power to make regulations was

to give effect to that which was inserted in the Schedules. In practice, public convenience might require those rules and regulations to be changed or modified, but no rule could be made without the knowledge and assent of the Chief Commissioner of Works, who had a seat in Parliament, and was responsible to that House. It was an error to suppose that the Ranger had any power to make rules, and rules to be of any effect must bear the official seal of the Board of Works, and that House had power to question any rule so made. The power proposed to be given in the Bill to the park-keeper to take persons into custody was formed on the basis of that contained in the Metropolitan Police Act. It was immaterial to him whether or not the Committee altered it, so long as they retained power to the Park-keeper to take into custody persons who were guilty of acts of misconduct in their presence, which prevented the enjoyment of the Parks by others, the same as the police of the metropolis interfered with those who obstructed the paths and streets of the metropolis. Those were questions that would more properly arise for discussion in Committee than on the second reading. His answer to what had been said was, that the Bill was only intended to have a limited and qualified application of the principle that had been applied to every other park in the country, except the Royal Parks. At present, they were obliged to have a large force on the look-out to preserve order and prevent injury to the flowers and shrubs, for at present it was doubtful whether or not a person could be punished for plucking flowers in the Parks. Besides that, iron railings had to be placed in all directions about the Parks to prevent injury to the grass by persons riding and walking over it, and for the same reason. He introduced the Bill originally without any words relating to public meetings. He was quite content to leave the rights of the Crown in that respect to be exercised in accordance with the general law of the land. Well, hon. Members in Committee introduced a clause as to public meetings. That gave rise to discussion, and he thought he had better not proceed with the Bill, but that he should bring it in this Session, when hon. Members might consider what was proper to be done with reference to that

subject. His hon. and learned Friend had stated that the Bill would put down public meetings in the Parks. It would do nothing of the kind. The Bill did not say that public meetings should not be held in the Parks. It said they should not be held except according to the rules laid down. For instance, a public meeting would not be permitted to be held in the midst of a road or thoroughfare. He did not see any reason why meetings should not be allowed as heretofore so long as they did not interfere with the enjoyment of the Parks. So little did he care for public meetings being held in the Park, that he had received notice of a meeting to be held in the Park for the purpose of reprobating his authority, and had taken no steps to prevent it. As he had taken no steps to prevent a meeting being held for the purpose of abusing himself, he thought the House might be assured that he would not interfere unnecessarily with the holding of public meetings for other purposes. He hoped the Bill would pass. He would endeavour to improve it in Committee. There were four metropolitan Members besides himself on the Committee that considered the Bill, and instead of discovering in it the terrible things described by his hon. and learned Friend they were of opinion that it was to the interest of the inhabitants of the metropolis that the Bill should pass.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 183; Noes 36: Majority 147.

Main Question put, and agreed to.

Bill read a second time, and committed for Thursday.

MINES REGULATION BILL.

LEAVE. FIRST READING.

MR. BRUCE, in moving for leave to bring in a Bill to consolidate and amend the Acts relating to the regulation of Mines, said, he regretted the delay of a measure so important as the one under notice, which had been in the possession of the House for two successive Sessions, and might have been proceeded with, had it not been the will and pleasure of the House to devote its attention to questions of greater political importance; at the same time, he hoped that the delay

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would be compensated for by the improved provisions of the Bill tending to secure the lives of the persons coming under them. For the last five years, from the date of the Report of the Select Committee on Mines, and the subject of accidents occurring in them, Parliament had been engaged, under two different Administrations, on great political subjects; it was to be hoped that they were now entering upon a cycle of questions of social importance of a narrower but of very great interest. The present Bill he thought an instalment in that direction. It would be unnecessary, and, indeed, unpardonable in him, who had twice had the task of introducing this measure to the notice of the House, to recapitulate provisions which were well understood by every hon. Member who took an interest in the question. He would, therefore, content himself at present by bringing under the notice of the House those changes in the Bill which he thought it his duty to propose. The end of last Session left the Notice Book very full of Amendments suggested by hon. Members of great knowledge and experience in the art and processes of mining. Since that time also, the workmen, who were specially concerned in the matter, had held frequent meetings, at which they had discussed the Bill as it had been laid before the House, and other measures which they held to be conducive to their own safety and advantage. He had given the most careful attention to all that had been suggested, and had embodied in the present Bill all the improvements of which he believed the subject susceptible. Its scope was somewhat larger than that of the former measure, including as it did not only coal and ironstone mines, but also stratified iron mines, shale mines, and, at the express recommendation of the Inspectors, mines of fire-clay. With respect to the employment of boys, he left the Bill in the same position as that of last year, with the single exception that he proposed to apply, as far as possible, to mines the principle of the provisions of the Factory Acts. Last year he proposed that boys of 10 years of age should be employed on the half-time principle, or that they should be allowed to work only a limited number of days in the week; but he thought it better now to introduce a more elastic system, and offer the alternative of six

half-day's work, where it could be usefully adopted. With respect to children under 13 years, the day's work was reduced from 12 hours in the last Bill to 10 hours in the present. With regard to education, the provisions of the former Bill remained practically unaltered. Many questions had been raised on the subject of the payment of wages; but while retaining some provisions with reference to the payment of weekly wages and of deductions, he thought it better that the many incidental questions which had been raised upon the subject should be dealt with in a Bill which would be shortly introduced by the Government for the amendment of the Truck Act. There was one important alteration which he had made, not without great hesitation, but the united voices of the workmen were in favour of the change. Hon. Members who had sat with him on the Select Committee would recollect how strongly it was urged by the workmen who lived in districts where the coal was measured, instead of being weighed, that there should be one uniform system. There was much, no doubt, to recommend the proposed alteration; but the objection to it was, that in some places it would involve great expense and many difficulties in carrying it out. In Lord Ellesmere's mines, for example, it was shown that if the system were changed, it could only be done at an amount of expense which it would be hardly fair to impose. The Bill, therefore, proposed generally that weighing should be adopted; but wherever special inconvenience and exceptional expense would be involved in the substitution of the new system, the Secretary of State, on the report of the Inspector, might allow an exception to be made. He had also adopted the Amendment of the hon. Member for Wigan (Mr. Lancaster), that there should be one uniform ton, and he had decided that in every colliery the standard should be the imperial ton; and he did so in the belief that it would tend to do away with many inducements to fraud which prevailed under the existing system. The next point was with respect to double shafts. Of course, wherever coal was worked two shafts were sunk; but the question was, what constituted the communication between them? The communication kept up between the shafts was, in many cases, very nearly illusory. It was now pro-

posed that this communication should be at least 4 feet wide and 3 feet high. He now came to a point to which he attached very great importance—the provisions of the Bill relating to accidents. Every year the average of deaths in the year amounted to 1,000, besides casualties of more or less gravity, which were four or five times that number. Any hon. Member who had carefully scrutinized those accidents, the prevalence of which they all deplored, would see that they arose for the most part, not, as was commonly supposed, from explosions, which depended more on the system of ventilation adopted, and, therefore, upon the action of the manager and his agent, but from other causes, which were more under the control of the men themselves, and that these accidents arose in great part from the absence of proper discipline. He saw the other day stated in a newspaper, that it was notorious that the most fatal accidents were caused by explosions arising from insufficient ventilation, which was entirely owing to the ignorance of the managers. Such a statement was not only a falsification of fact, but was calculated injuriously to mislead, as it might distract the attention of persons occupied on the question from the real point on which the law might receive amendment. These explosions led, no doubt, to very fatal consequences, but the average of deaths produced in that way was only about one-fourth of the whole that occurred in collieries. In 1870 the number of deaths from all causes was 991, and of these only 185 were due to the effect of explosions. While the general average was somewhat about 22 per cent, in some years deaths from this cause did not exceed 10 per cent, while in one year, an exceptional one however, the deaths rose as high as 43 per cent. The greater proportion of accidents in mines, however, was owing to the want of a vigorous discipline throughout the works. Last year there were 411 deaths, besides innumerable accidents of a very grave character, arising from the falling in of the coal and masses of stone in the process of working. It might be said that the only protection from those accidents must be found in the care and discretion of the colliers themselves; but that was not so, for if the colliery were properly overlooked by those who had the manage-

ment of it, the colliers would be forced to take precautions for their own preservation. It was the opinion of the Inspectors, moreover, that if a greater degree of responsibility were thrown on those who had the management of the collieries, a great saving of life would be effected. He would ask hon. Members to reflect what was the ground for the interference of Parliament with the question. As a general fact Parliament was very loth to interfere with the mode in which any trader conducted his business; but when there was a business which necessarily involved great danger from loss of life, then Parliament thought proper—and he thought it was justified in so doing—to step in and see that proper precautions were adopted. He did not believe that even if the utmost care was taken by the best and most liberal owners, the most skilful managers, and the most careful workmen, accidents could be entirely prevented. At the same time, he held that there was a certain amount of life capable of being saved, and Parliament would think it its duty to provide that the operations of mining should be conducted with as many precautions and as much security as the nature of the occupation permitted. It was well, therefore, that certain general rules should be laid down, and that owners and agents should be held responsible for seeing that these rules were carried out. He would propose in the Bill that in every colliery a manager should be appointed by the owner—of course, if so desirous, the owner might appoint himself—whose name must be registered. At present any breach of duty of which a manager might be guilty was punished by a fine of a very small amount, which was almost invariably paid by the master. Neglect of duty by a manager, which led to any accident short of death, was not punishable by law at all. Many managers had been found guilty of manslaughter by coroners' inquests, but almost invariably the Bills had been thrown out by the grand jury, and he doubted, however gross and patent the negligence, whether in such a case there was a single instance in which a true bill for manslaughter had been returned. The law, therefore, provided very little security for life as far as the manager was concerned; and yet of all the officers connected with the colliery, he was the most important. Now, what steps

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would be taken to secure a more careful discharge of duty, so that the responsibility might be real instead of nugatory, as experience had shown it to be? He proposed, as he had stated, that every owner of a colliery should name a manager, who should be registered, and by that means vested with real responsibility; and, further, that every manager who had not entered upon his duties before the passing of the Act should be subjected to examination. He did not propose that the present managers should be examined, but that all those were acting as managers before the 1st of January, 1872, and up to the passing of this Act, or who had so acted at any time within five years for not less than a twelve-month, should be obliged to take out a certificate. The examination of future managers would be locally conducted, and would be of a strictly practical character. But though he did not propose that the present managers of collieries should have to undergo examination; yet, in the event of any charge being brought against them of incompetency, drunkenness, or gross negligence, they would be liable to lose their certificates altogether, or for a limited time. If charges of a serious nature were brought against a manager, it might be in the power of the Secretary of State, as in the case of the misconduct of the captain of a vessel or a railway official it was in the power of the President of the Board of Trade, to order an inquiry to be conducted by competent persons. The Bill provided that an inquiry might be conducted by competent persons, such as a stipendiary magistrate, a county Court Judge, or a barrister named by the Secretary of State; and the Court might decide that, in consequence of misconduct, the manager might be deprived of his certificate altogether, or suspended for a limited time. [Mr. LIDDELL asked if the Bill constituted an examining Board.] The examining Board would be constituted by the Secretary of State. It would be a Local Board, composed generally of an Inspector and some person practically acquainted with the mining of the district, and especially with the duties expected from a manager. It seemed to him that colliers had the same right to protection as travellers by railway or by ships. He now came to the general rules, which he would submit to the ac-

ceptance of the House. The first of these was with respect to the roofs and sidings of the roadways and working places. He proposed, for the first time, that the obligation should be thrown on the owner, agent, and manager, that the working places should be kept in proper condition. He was aware that there was a great variety of opinion on this subject; but he knew himself that in some places the owners did take care that the workings were kept in a proper state of stability, and wherever the owners had taken the matter into their own hands there had been a reduction in the loss of life and the number of accidents. He was therefore of opinion that a great step would be taken towards the saving of life, if this responsibility were thrown on the owners, for what was good for one part of the country in that respect, must be equally good for the others. Another rule, introduced for the first time, involved restrictions in the use of gunpowder. There was no cause of late years which had led to more explosions of gas than the misuse of gunpowder; in fact, a very large proportion of deaths was due to the rash use of gunpowder by incompetent persons. The use of gunpowder facilitated the working of coal; but, on the other hand, it presented the coal in a very shattered and inferior condition. It was not, however, for mercantile or economical reasons, but with a view to the safety of life, that he proposed in the first place that no powder should be used, except in cartridges; and that none should be used, even in cartridges, in mines in which, under the special or general rules, the use of the safety-lamp was prescribed. It might be used in those mines for blasting rocks, but not unless under the direction of competent persons. Another general rule, embodying the Amendment of his hon. Friend the Member for Ayrshire (Sir David Wedderburn) required the ventilation of the mine to be inspected every day before the work began, and in every well-managed colliery that was now done. Another general rule which he would propose was based upon a suggestion of the noble Lord the Member for Haddingtonshire (Lord Elcho), and would provide for the inspection of every part of the colliery, as well as of the ventilation, once in every 24 hours.

Another duty of the manager would be to see that, in case of apprehended danger, the men whose safety was imperilled should be at once warned and withdrawn from the mine. It was further provided that the persons employed in a mine, might, from time to time, or once a month, at their own cost, employ two of their number to inspect the mine, accompanied by any one the manager might choose to name, and that they should be empowered to examine every portion of the works, and satisfy themselves that these works were in a safe condition. A practice similar to this was already in force in the best conducted mines in his own neighbourhood; indeed, the men who undertook the inspection were paid for it by the masters; and, if they detected any source of danger in the workings, instead of being blamed they were rewarded by a payment of money. All that the Bill said was, that the inspection should be made if the men thought it desirable. He had also adopted another suggestion of the noble Lord the Member for Haddingtonshire, that there should always be some one in attendance at the shaft to raise up those who were in the mine, because accidents had happened in mines when there had been no one at the pit-head, and those who were in the mine were thus exposed to danger from which they might have been more promptly rescued; at the same time, there was a provision for the more efficient covering of the men, when ascending or descending the shaft. He was afraid the next proposal he would make would excite opposition, in spite of all he could say for it. When he introduced the Bill at first, in 1870, he adopted the recommendation of the Select Committee that in the general rule requiring owners, managers, and agents to provide such ventilation as would render the mines safe, the words "under ordinary circumstances" should be omitted. It was objected on the part of the employers that the omission of the words would place them in a different position from any of their fellow-subjects, and would put it upon them to prove a negative which, it was said, was incapable of proof. That was the reason why the words were inserted. But, in fact, all rules alike were capable of being enforced only "under ordinary circumstances." For instance, it was required

that an abandoned part of a mine should be securely fenced off. Suppose, on an owner or an agent being summoned, it was shown that the fence was not secure, but had been broken, it would always be open to them to show that the defect was owing to no fault of theirs, that there had been a sudden fall of rock, or that the fence had been interfered with by a mischievous person. It was said that the case was different when an explosion occurred, because an explosion was so violent in its character, and shattered everything so completely, that all evidence of the cause of an accident often disappeared, and it became impossible to say whether at the time of the explosion the ventilation was or was not sufficient for the mine "under ordinary circumstances." In his opinion, this view of the case was untenable. It would be open to the employer in this case, as in others, to say that the ordinary state of his mine was a state of sufficient ventilation, and, when he had shown that, it would be deemed a sufficient defence. He would not be driven, as had been asserted by many coal-owners, to prove what were the causes of the accident. If he could show that the general supply of ventilation was sufficient, then no court would convict him, and it would be assumed, as a matter of course, that the accident must have been due to some temporary derangement of the workings over which the master had no control. They knew that all collieries were subject to these temporary derangements, which were not under the control of the master; and he had the best legal authority for saying that in these cases all the masters would have to do would be to show that the general ventilation of the colliery at the time of the accident was in a satisfactory condition. That being the case, it seemed to him to be important that the words "under ordinary circumstances" should be removed, because they imposed on the prosecutor the duty of showing that "ordinary circumstances" existed at the time of the explosion. From the occurrence of an explosion it ought to be assumed that there was deficient ventilation, and then it was for the owner to prove that he had taken all reasonable means to secure sufficient ventilation. There were probably as many fatalities upon roadways in collieries as there were

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from explosions; and in the opinion of the Inspectors, the precautions hitherto taken to prevent accidents on these roadways were insufficient, such accidents often arising from attempts to cross from one side of the roadway to the other, in order to reach a man-hole, the man-holes being not always on the same side of a tramway: the Bill, therefore, proposed that in future all man-holes should be on one side of the roadway only where the trucks are moved by an engine. Another general rule would require guides and signals in every shaft more than 20 yards in depth. He might add that it was the opinion of the Inspectors that, when the Bill passed, new special rules should be issued at all collieries; and the Bill provided for this. The inspection of mines, again, was a matter of great interest, and one which the House must be prepared to deal with. Originally but one Inspector was appointed. In 1855, when the number of mines had considerably increased, the number of Inspectors was raised to six, and there were now 12. Even that number was utterly insufficient to inspect the collieries as the factories were now inspected; but it never was the intention of Parliament that they should be so inspected. Colliery Inspectors were intended to be consulted in cases of danger, to proceed to pits which were reported to be ill-conducted, and to attend the investigations that followed accidents, and to secure generally the observance of rules that were imposed; but it was obvious it never was intended that the state of every mine should be minutely examined by an Inspector. Whether the number of Inspectors was sufficient or not was a fair question for argument, even adopting the theory upon which inspection had hitherto proceeded; but many colliers asked for such an extension of inspection that every mine would be thoroughly examined and reported upon once a quarter, and that there should be a Minister of Mines to attend to these reports, and generally to control the mines of the country. It was utterly impossible to adopt that suggestion, unless the Government were to take upon them the responsibility for the management of the mines; and such a proposition was not only opposed to the policy of Parliament, but was really opposed to the interests of the men

themselves. What was wanted was constant, vigilant, daily, and almost hourly inspection by the persons most interested in the safety of a mine—that was, the men, the agents, and the masters, to whom an accident brought loss or ruin. The Bill, however, did make some provision for the enforcement of such inspection. It created in the manager a new and responsible officer; it made his future career dependent entirely upon vigilance and continued attention; it enabled the workmen to appoint men to examine the state of the works. Such self-acting machinery was infinitely preferable to any other machinery. Suppose there were, as proposed, quarterly inspection by Inspectors, between one inspection and another causes of danger might be multiplied. Accumulations of gas, and similar dangerous circumstances arose in far less time than three months, and the safety of a colliery depended, not upon examination once a quarter, but upon daily and hourly examination by responsible persons; and such examination this Bill proposed to give. With all deference to those who proposed to carry inspection further—who were entitled to be listened to, and who were right in proposing the adoption of that which they thought most conducive to safety—he honestly believed that in this respect they were mistaken, and that the course recommended by the Government would be more advantageous to the men than the inspection which they asked for. He would not, at present, state what extension of official inspection the Government were prepared to propose; but they were prepared to make the number of Inspectors more proportionate to the number of collieries; but he must say that they were altogether opposed to transferring the responsibility of the colliery owners and managers to the State. It was unnecessary to go into other portions of the Bill, which, in points of detail, would be found more complete than former Bills; and, with these explanations, he would conclude by asking leave to introduce it.

MR. ELLIOT said, that he had listened to the remarks of the right hon. Gentleman with great attention, and he was bound to acknowledge that he appeared to have taken very great pains with the

Bill. At the same time, everyone must admit that a vast deal of new matter had been introduced into the measure, and, indeed, matter which had not been before Parliament before. With respect to that portion of the Bill, he must reserve to himself due time for consideration before he would attempt to make any observations upon it. At the same time, there were two main features in respect to which he would make some remarks—namely, with reference to two great causes which seemed to constitute the main evils from which arose the enormous loss of life that occurred in mines, and which the right hon. Gentleman had alluded to—the accidents on the roads, and the loss of life resulting from the use of gunpowder. He was very much afraid that the remedy suggested by the right hon. Gentleman, that wherever it was possible the use of gunpowder should be entirely prohibited, would not operate beneficially. In point of fact, he apprehended, in many cases, such a provision would be extremely mischievous. It had been laid down as a principle that gunpowder should never be used where the safety lamp was in use, and he was very much afraid that the operation of such a provision would be that the men would use naked lights in order to enable them to have the use of gunpowder, and thus the very provision preventing the use of gunpowder in parts of the mine where the safety lamp was now in use would have the effect of causing accidents. He would press that point earnestly on the attention of the right hon. Gentleman. He had been connected with the management of mines for upwards of 30 years, and he had invariably directed that in every colliery where there was the slightest chance of explosion from the accumulation of gas the men should never neglect the precaution of using the safety lamp. He believed, therefore, that this very provision, preventing the use of gunpowder, would actually increase the danger. He spoke with great confidence on the point, and he believed that his view would be endorsed by every practical miner in the country. He quite agreed with the right hon. Gentleman that the indiscriminate use of gunpowder was a serious evil, and caused the loss of a great many more lives than was supposed, and he had

often been called in to accidents where it appeared to him that the use of the naked light had been adopted for the sake of economy. He believed that in process of time some improvement would be hit upon which would obviate the indiscriminate use of gunpowder, and the consequence would be that there would not be nearly so many explosions. But, however that might be, he had, from long experience, come to the conclusion that there would be no safety from accidents so long as naked lights were used. Whether gunpowder were used or not, they would always be a source of danger. Then he came to the second point: the number of accidents which took place on the roads. In speaking of the use of timber, the right hon. Gentleman had said that the great bulk of the accidents arose from it. Now, in the North of England they had practised persons who placed the timber, and afterwards carefully removed it; but in other parts, and especially in Wales, every workman put in his own timber, very often in an unskilful and unworkmanlike manner, and what he said was, that if proper means were taken to place and take away the timber, much greater safety would ensue. He would not occupy the House with respect to minor questions, such as weight, and so on; but he must say that in the North of England the weights and measures had been found to be uniformly just. He quite admitted that at present there was some inconvenience in respect to the tribunals which existed, but there would be much greater in those to which the right hon. Gentleman proposed that owners and managers should submit. There could be no question that if the men were to be permitted to inspect the mines, there must be some guarantee with respect to their fitness, ability, and character. That, however, was a matter of detail which might be arranged; and it was perfectly true that occasionally the most useful men in the mines were illiterate, and the manager of one of the mines in the Aberdare district had told him that some of the best of his men were those who could neither read nor write. He thought that the examination of the mine by the men themselves could do little harm, and might be productive of good. There was, however, one provision which would be extremely objectionable, and that was, that the men

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might appoint two or more among themselves, if desirous of so doing, for inspecting the mine. They must be very careful how they interfered in the discipline of the mines. They must remember that often they had to direct 500 or 600 men and boys who were out of sight and control, and if men were placed in such a position that they had to decide questions of price, there would be considerable danger. He did not wish to say a hard word of anyone; but it very often happened that collieries were endangered through the operations of the men. While there might be some things in the Bill which would need alteration, still they would be modified in Committee in a manner that would be acceptable to the country.

LOD ELCHO, while admitting that there was much in the observations of the right hon. Gentleman the Secretary of State for the Home Department in which he fully concurred, protested against the attempt made by the right hon. Gentleman to throw on the House the responsibility of the measure not having passed last Session. Many hon. Members, in common with himself, for the last two or three Sessions, had been most anxious that such a Bill should have been proceeded with, and, after all that had passed, he thought it rather unfair that it should be thrown in their teeth that the House was responsible for the delay which had occurred. The right hon. Gentleman had been urged by public appeals, in private interviews, and in every possible way, to proceed with the Bill, or to withdraw it and have it introduced in the House of Lords; but he was unwilling to take that course, hoping still to be able to go on with it. He was glad, however, to hear from the right hon. Gentleman an admission that if last Session had been taken up with sensational measures, the Government were now determined to press forward practical and useful measures—they were to have a cycle of measures of social reform, to use the words of the right hon. Gentleman. No one would rejoice at that more than he did. He must say that the provisions of this Bill showed that the right hon. Gentleman had given his mind to the subject in as practical a manner as possible. He was glad to find that the right hon. Gentleman intended to commence the cycle with so practicable a measure, and though the

Bill might be open to improvement in some particulars, still there was much in it which would meet with universal acceptance and give great satisfaction. One of the improvements made, as to which there could be no dispute, was in regard to measure *versus* gauge; and it was also, he thought, most important that, with regard to weight, imperial measures should be established as the standard. With regard to managers of coal pits, he was glad to find the right hon. Gentleman had adopted the suggestion of the hon. Member for the University of Edinburgh. He believed as much good would arise from their examination as from the examination of captains on board ships. He entirely approved the provisions of the Bill with regard to ventilation. In lieu of a force of Inspectors to guarantee the personal inspection of the mines—on which the miners had strongly insisted in Committee—the proposition had been accepted that there should be a sort of record kept open to the Inspectors of the daily state of the mines, and he had put an Amendment on the Paper to that effect. He was glad that the right hon. Gentleman had omitted the words which used to be in former Bills, "under ordinary circumstances." Other words, which he did not exactly recollect, had been agreed upon by the representatives of the mine owners and of the miners; and he hoped the right hon. Gentleman would think it advisable to introduce these words in the Bill. He did not exactly gather from the statement of the right hon. Gentleman what number of hours a boy might be made to work per week.

MR. BRUCE: If he worked three days a-week, the hours would be 10 hours a-day; if six days a-week, he would work six hours a-day, or 36 hours a-week.

LOD ELCHO presumed there would be provisions in the Bill relating to education.

MR. BRUCE: Yes; up to a certain age.

LOD ELCHO said, he apprehended, with regard to the question of penalties, that the manager would be the person who was responsible, and a question had been raised as to the equality of the penalties between the mine owner and the miner—that they should both be liable to the same description of penalty. It would be mani-

festly unfair that the owner of a mine who might be in Rome should be held responsible for an accident in his mine in England. The person held responsible should be the responsible manager, named by the owner, and that was a provision which he should like to see introduced into the Bill.

MR. LIDDELL said, he wished to take the earliest opportunity of expressing his satisfaction that the Government had lost no time in producing this most important measure, in view of the state of public feeling on this question, and he knew from a telegram which he had received that afternoon that the large body of the coal owners in the North of England shared in that satisfaction. With regard to that public feeling he only wished that, in treating this very difficult, intricate, and technical matter, the amount of public knowledge was equal to the amount of public feeling on the subject. As representing a most important mining district, he knew the great difficulties of the question, and he could assure the Government every assistance that could be fairly expected would be given with a view to make the measure as perfect as possible. The coal owners of the North of England were not only willing, but anxious to assist in passing a reasonable measure; but, as there was a considerable amount of new and important matter in the Bill—while there was no wish for delay—it was necessary that the new matter should be carefully sifted, and therefore he hoped reasonable time would be given for considering it. He was glad that the right hon. Gentleman the Secretary of State for the Home Department intended to travel in the old road of inspection, and that he had banished the wild idea of interfering with the responsibility of owners to the extent of appointing sub-Inspectors, which really meant inferior men. So long as the selection of Inspectors rested on the responsibility of the Government the greatest pains would be taken to select the best and most competent men, but the number of Inspectors was simply a question of pounds, shillings, and pence. There was nothing in the existing law to prevent any additions to the present staff that might be necessary, if only the Treasury would sanction such increase. One matter which would require careful attention was the new proposal

about examining managers. It was quite clear that the responsibility of selecting managers ought to rest on the owners of the mine, and he was not prepared to say that the responsibility should be diminished, but at all events the mine owners should have a voice in the composition of the examining Boards.

DR. LYON PLAYFAIR said, he was unwilling that all the approbation of this Bill should come from the other side of the House, and he must therefore thank his right hon. Friend the Secretary of State for the Home Department for the great care with which he had considered this measure. It was rarely the case that delay produced such improvements as justified the temporary neglect of the evils to be remedied, but in this case it had. He might mention one or two points of improvement. There was the sharpness with which responsibility attached to the owners and managers of mines, and the definite responsibility of the registered manager. He was glad that the Home Secretary did not intend largely to increase inspectors, for had he done so he would have diminished the responsibility which he now sought to create. He was very glad that his right hon. Friend had seen his way to adopt the suggestion he had made two years ago with regard to the certificates of managers. Objections were made to the certificates of merchant captains, but their examination had been found most beneficial, and led to a great saving of life and property, and he had no doubt a similar result would follow in this case. He approved of omitting the words "under ordinary circumstances." They were dangerous words, which might lead to great neglect of duty on the part of managers. For example, it was well known that explosive gases came more freely out of coal in a low state of the barometer, and, in such a case, increased ventilation was necessary. Would, however, a sudden fall of the barometer be characterized as an extraordinary circumstance? A manager of a mine, like a ship captain, was of no use unless he could adapt his management to circumstances which cease to be "ordinary." In short, so far as they had the Bill before them, it was a great improvement on the measure of last year, and likely to contribute largely to the safety of life and property.

Lord Echo

MR. WHEELHOUSE said, he wished to know when the Bill would be in the hands of hon. Gentlemen, and whether its provisions would recognize the difference between the Durham and Yorkshire seams of coal? Provisions which would suit the thick seams of Durham would not be quite so well adapted for the thin seams of Yorkshire.

MR. PLIMSOLL hoped that the responsibility of the mine owner would not be diminished in any way. No doubt there were some owners who would spare no expense to secure safety, but there were others whose responsibility rested on them so lightly that to save themselves from a small and necessary outlay they would expose the lives of a couple of hundred men to imminent peril. He was in a pit some time ago where an underground manager was employed at a salary of 25*s.* per week. Of course such a man was without the technical knowledge necessary for the right discharge of his duties, and was employed to save a more expensive man, and the result was that there was an explosion afterwards in the pit, and nearly 200 men, most of them the fathers of families, lost their lives. How was such a case to be met? He quite admitted it would require a large staff of surveyors to go into every pit, but a number of sub-surveyors might be appointed under their control, and when an application was made by a given number of men employed in any particular mine, it should be the duty of the district surveyor to make an inspection of the mine. He hoped a power would be reserved to the miners to apply to the Government Inspector to have their mine surveyed whenever they believed it to be in a dangerous condition.

MR. BRUCE, with reference to the case last put by his hon. Friend the Member for Derby (Mr. Plimsoll), said, it would certainly be the duty of the district Inspector, on the representation that a particular mine was in a dangerous condition, to visit it and ascertain whether the representation was correct or otherwise. If he did not, he would be guilty of a neglect of duty. With regard to the question put by the hon. and learned Gentleman the Member for Leeds (Mr. Wheelhouse) he hoped the Bill would be in the hands of hon. Gentlemen in a few days, and it would then be found that children employed between the

ages of 10 and 13 years could only be employed on the half-time system. One observation he would make in reply to his noble Friend the Member for Haddingtonshire (Lord Elcho). He seemed to think it very hard that the owner of a mine should be held responsible for accidents, because he might be at a distance. He could see no difference whether the owner were at home or at a distance; but if it came out with reference to a special case on investigation that preventive measures were pressed on the owner over and over again without success, he and not the manager should be held responsible.

Motion agreed to.

Bill to consolidate and amend the Acts relating to the regulation of Mines, ordered to be brought in by Mr. Secretary BAUER and Mr. WINTER-BOTHAM.

Bill presented, and read the first time. [Bill 29.]

EDUCATION (SCOTLAND) BILL.

LEAVE. FIRST READING.

THE LORD ADVOCATE, in moving for leave to bring in a Bill to amend and extend the provisions of the Law of Scotland on the subject of Education, said, that he did not anticipate any objection to his Motion, and should, therefore, have contented himself with formally moving it, leaving the details of the measure to be explained and defended when the Bill itself should be in the hands of hon. Members, but that, considering the interest which attached to the subject, he was persuaded he should disappoint the reasonable expectations of many hon. Members of the House, and of a much larger number of persons out-of-doors, if he omitted to avail himself of the present opportunity to explain the spirit in which the Government addressed themselves to the work of legislation on the subject, the principles on which they proceeded in framing the measure, and to give the general import of the provisions which the House was asked to assent to. By doing so he thought he should very greatly assist hon. Members in understanding the provisions of the measure. He would not detain the House by any mere generalities on the importance of the subject—for all were agreed that it was important—nor should he enlarge on the deficiencies, either in quantity or quality, of the existing provision for education

point of fact continue to regard all public or rate-supported schools as schools belonging to the Church, practically under the management of her clergy, and taught only by teachers of her communion. The denominational party were naturally unwilling that the Church should lose the hold over the schools that she now possessed, or that any change should be made which would have the effect of making them in fact what they really were, and had always been in their legal character—national as distinct from denominational schools. They were so averse to a national system that they objected strongly even to the void which at present existed being filled up with national schools. They would prefer that the present system should be left alone, and that a period of grace should be allowed for the void to be filled up by voluntary denominational effort, duly stimulated by the promise of a largely increased Parliamentary grant, to be accompanied by a school board and a school rate in the event of failure. Their argument was, of course, the superiority of a denominational over a national system. But there were two particular arguments or positions on which they relied, the one being that parish schools were so admirable that it would be unwise to interfere with them—the other, that under the English Education Act there was no interference with the denominational schools of the Church of England and of the other religious bodies, and that justice required that the same abstinence should be observed with respect to the denominational schools of Scotland. The Government were not prepared to adopt that course, for their opinion was that the great majority of the people of Scotland desired the national, as distinguished from the denominational system of education. What the Government desired was that the existing national schools, established by Act of Parliament, and supported by rates imposed and levied by the authority of the Government, should not only be made thoroughly and in effect national, but should be improved and made useful in every possible respect. What, under these circumstances, was proposed in the Bill was, that there should be established in every parish and in every burgh in Scotland a school board, to be elected by the people themselves, and which would represent their feelings and

interests on the subject of education. In order to extend the system of education proposed, and to supply the deficiencies admitted to exist, it would be necessary to increase the present educational rate, and that it was proposed to do by rendering liable to it the owners and occupiers of all the real property, according to the existing value. The constituents of the school boards, which he desired to make as far as possible representative of the true wishes of the people, would be all those by whom the rate was paid. Under their management it was proposed to place, to begin with, the public schools now in existence—for in that light both the parish and the burgh schools were regarded. It would be the duty of the boards to extend the system of public schools, which would be thus put under their management, so far as it might be deemed necessary to do so, in order to meet the educational requirements of the various districts. But no distinction with respect to management or otherwise would be made between the existing public schools to be immediately placed under the control of the school boards, and those schools which they might provide after their establishment in order to supply a deficiency. The Government could not consent to look upon the existing parish schools in the same light, and as of the same character, as the denominational schools of the Church of England. They were, in point of fact, quite different; for the Church of England schools were not established by Act of Parliament, but by voluntary effort, and were not maintained by statutory rates levied on the owners and occupiers of land, but by means of voluntary contributions. The parish schools of Scotland were, on the contrary, public legal institutions. There were, it was true, in Scotland schools occupying a position analogous to the schools of the Church of England—such as the schools of the Church—sometimes called General Assembly schools, or Church of Scotland schools. They were established by the proceeds of voluntary contributions, and no proposal was therefore made to legislate with respect to them, further than was necessary to enable them to put themselves under the operation of the national system proposed to be established should they be so disposed. The schools of the Free Church and the United Presbyterian

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schools were placed in the same category. It became, in the next place, requisite to consider what the powers of the school boards should be with reference to the schools which would be placed under their management, or which they might hereafter establish or otherwise acquire. Upon that point he might, without entering into details, state that it was proposed to give the school boards all the powers necessary for the efficient management of the schools. They would have the appointment of the teachers, and generally the same authority now possessed by the existing managers of public schools. A good deal had been said in Scotland as to the necessity that the members of the boards should be elected by persons having pecuniary or educational interests in their well-doing; and the Government Bill made, he thought, proper provision for securing that object. A good deal had also been said as to the necessity of putting the school boards under the control of a Government Board, to be established in Edinburgh. That was a step, however, which it was not, in his opinion, desirable to take. Let him suppose, for example, that the people of Glasgow elected a school board and selected the best men, in their opinion, to discharge its duties; those men would be thoroughly conversant with the wishes and feelings of their constituents on the subject. It would, in his opinion, be no advantage to subject a board so composed to the supervision and control in all matters of management of a Government Board sitting in Edinburgh. Nor was it likely that such a board would submit to have its opinions over-ruled in that way. The same remark applied to the school boards representing other districts in Scotland. Considerable misconception, he might add, existed with regard to the powers which it was proposed to give by the Bill to what was known as the Scotch Department of the Privy Council for Education. It was not proposed to give to that department any control over the school boards in the management of the schools, except so far as the money supplied by the State was concerned. The funds by means of which education was to be provided in the various districts were to be derived chiefly from three sources—in the first place—and that was in Scotland a large source—from the fees as paid in the schools; secondly, from contributions

from the money granted by Parliament; and, thirdly, from the local rates. Now, it was obvious that the amount of the rate must depend on the deficiency which was left after the other two sources had been taken into account. It would, under this Bill, be for each board to regulate its own expenditure, and to impose on their several constituencies a ratio necessary to meet any deficiency which might exist. The Education Department of the Privy Council dealt with the administration of the money immediately voted by Parliament, which was distributed in England according to rules contained in Minutes or Codes which the Committee of Council prepared. Now, it appeared to the Government that it would be advisable, and that it could not be otherwise than acceptable to the people of Scotland, that a distinct Committee should be appointed for Scotland, whose special duty it should be to deal with education questions arising in Scotland, in compliance with the wishes of the great masses of the people, and in compliance with the rules laid down for the application of the educational grants from the State. It was therefore proposed by this Bill—as was proposed by the Bill of last Session—that a special Committee should be appointed for Scotland, who should discharge the same duties in respect of Scotland as were now discharged by the Committee of Council in respect of England. That proposal, however, had reference to the administration of the Imperial grant only, and it was not meant that the Committee should in any way interfere with the boards elected in the various districts in the management of the schools. It was urged, he might add, by way of objection to intrusting the administration of the Imperial grants to a Committee of the Privy Council, that they would be likely to make the qualifications required in order to obtain a certificate of competency in the case of the teachers too low. All he could say in answer to that objection was, that the people of Scotland might make the standard of qualification for their teachers as high as they pleased. All that the Education Department would have to do in that respect would simply extend to the fixing of a minimum standard, without which they would not recognize a school as being entitled to participate in the grant. But if any school board should

desire to have a teacher with higher qualifications, there would be in the Bill no provision which would preclude them from carrying their wishes in that respect into effect. He was, indeed, of opinion that the Scotch Department of the Privy Council, having regard to the wishes of the Scotch people on the subject, would be willing to raise the standard to any point that might be deemed desirable, although it was probable that the people themselves would not be anxious to ask them to raise the conditions on which they were to receive the Imperial money. Now, there was another matter to which he wished very briefly to advert. He had already spoken of the parish schools not as being legally elementary schools, though they were so in point of fact; but in the case of the burgh schools they were chiefly devoted to the higher class of teaching, with an admixture of the elementary. It was not, he might add, generally in accordance with the views of the House to grant Imperial money or to authorize local taxation in order to provide for the higher class of education, and it could therefore be provided for only otherwise than pecuniarily in the Bill. Of course, so far as parish schools were concerned, there would be no difference made in their legal character. The schoolmasters in them would, if the people chose—and he had no doubt they would choose if left to themselves—continue to give instruction in the higher branches of knowledge—in Greek and Latin, for instance—to those who might be willing to receive it. He hoped, however, for this improvement in the future—that whereas in the past that advantage had been purchased at the sacrifice of the interests of those whose education was confined to the elementary subjects of reading, writing, and arithmetic, such would not be the case in the future. A schoolmaster, teaching the higher branches of knowledge to some of his scholars, must necessarily pay so much the less attention to the elementary instruction given in his school. It was not in contemplation, and he had no apprehension that it would be the fact, that in the future, as in the past, the education in the parish schools would be otherwise than this:—elementary instruction would be given to the overwhelming majority; but there would be teachers to give instruction in the higher branches to those who were

willing to receive it. Each division would be so arranged that one would not interfere with the other. The one thing, in short, might be done under the Bill, while the other need not be left undone, and he had no apprehension that the people of Scotland, having the matter entirely in their own hands, would fail to deal with it in the manner they approved. He was, he might add, very anxious to make some provision for fostering the higher class of education in the burgh schools as well as in some of the parish schools where the education was at present exceptionally high. He, therefore, proposed that such burgh school as should be found to give instruction in the higher branches of education to such an extent that it could not be reasonably looked upon as an elementary school might be dealt with as a higher class school, to be managed with a view to promote higher education. There were provisions in the Bill on this subject, which he need not now enter upon in detail. Another subject which had been very much discussed was that relating to religion. He did not ignore the religious difficulty by any means. He quite admitted its existence as a matter of fact, and that it must be dealt with. Now, there were only three modes of dealing with it so far as he was aware. The first was to prohibit the teaching of all religion within the national schools; the second to enjoin the teaching of it; and the third to leave it alone so far as the Legislature was concerned. As matters stood at present, so far as the Legislature was concerned, it was left alone in the public schools in Scotland—that was to say, there was no legislative provision on the subject. Religion might be taught in a school or not, according to the disposition of the several masters and managers. No religious teaching was, he believed, given in several burgh schools; while in all the parish schools it was taught, he understood, in point of fact, though not because of any legal requirement. It was left to the managers of schools, and it was taught. He had been at the pains to ascertain how the present system worked in respect of time, and he gathered, as the result of the Report of the Education Commission, that the time during which religious teaching was given ranged from half-an-hour to three-quarters of an hour at a time; while the result of his own inquiries would lead

him to put it at from ten minutes to half-an-hour. Instruction was given from the Bible or the Shorter Catechism, which was much the same as the Catechism of all the Presbyterian Churches, during about half-an-hour in the day. When it was said that there had been no religious difficulty in Scotland, what was meant was that the parents of all the children attending these public schools were quite content with the present system, and that no heartburnings existed upon this point. So much was this the case, that even in parishes where there were Roman Catholic children attending the schools they were by no means invariably withdrawn during the half-hour in which there was religious teaching; the parents were quite satisfied that they should partake of the religious teaching. Eighty-six per cent of those sending their children to school were Presbyterians—Presbyterians, no doubt, of many varieties—and it was hard for strangers to detect some of the points of difference, which were, in fact, invisible; but they were all Protestant Presbyterians, and they were all agreed on this point—that there should be religious teaching in the schools, and with the remaining 14 per cent, comprising Roman Catholics and Episcopalian, who attended these schools, there was no religious difficulty whatever. But because it was expected from some of his utterances that the Government would decline to enjoin by a statutory requirement the teaching of religion in the national schools, there was a great outcry, and it was said that the religious feelings of the people would be violated. His answer was, first, that no such requirement existed now; and, secondly, that it was somewhat strange to be accused of violating the religious feelings of the people in the matter of religious instruction in the schools if you proposed to leave that matter to the people themselves. That was the actual proposal in the Bill. The matter would be left to the people themselves by the simple expedient of saying nothing about it. To be sure, there was in the present Bill, as in the Bill of last year, a Time Table Conscience Clause. Such a clause might be superfluous; but it was only, after all, a statutory provision that that should be done in the future which had invariably been done in the past, and for doing which the existing school managers most justly

claimed credit; for if it had not been so in the past, there would have been what he had just stated there had not been—the religious difficulty. The religious difficulty had been avoided by having the religious teaching in 99 out of 100 cases before the secular teaching of the day began, the first half hour of the school-day being devoted to the Scriptures and the Shorter Catechism; and the Time Table Conscience Clause merely enjoined that religious teaching should hereafter be given, as now, either at the beginning or at the end of the school-time. With that single exception, which merely expressed in the Act that which was now in point of fact done without any expression at all, the matter would be left to the people themselves. He did not suppose that Parliament would propose to prohibit the teaching of religion in the national schools, for he believed that such a prohibition would do violence to the wishes of a large majority of the people of Scotland. He quite saw that by an arithmetical process you might detect in such a system a violation of political principle. You might find out the proportion of the teacher's salary which belonged to the ten minutes or half hour occupied by the religious teaching, and which would come out of the rates; and to this extent there might be a sacrifice of principle. But the object was to give to the vast majority of the Scotch people a system of education which they would accept and approve; and was not this object worth the sacrifice he had mentioned? Were you to say—"Let the children grow up in ignorance; we must settle the matter on sound political principles, and until we so settle it the people shall have no education whatever?" He did not know what changes might come hereafter. Parties were being "educated," and might improve in political knowledge and wisdom; but at present he was persuaded that any system prohibiting the teaching of religion in the national schools would be so distasteful to the people of Scotland that it would be difficult to get it received and acted upon. Rejecting, then, alike the proposal to exclude and the proposal to enforce the teaching of religion, he would leave the matter to the people themselves, not doubting that they would exercise this liberty through the popularly elected school board exactly as they

had exercised it heretofore. He had now only one word to say with respect to the schoolmasters. He had already stated that the school boards would have the election of them, and therefore the determination of the qualifications which were required. It had been urged very strongly that a minimum salary should be fixed by Act of Parliament, because, it was said, the people did not desire to deal liberally to the schoolmasters, and therefore a liberal minimum salary ought to be fixed by Act of Parliament. But a minimum suitable to one district would appear ludicrously small to another; and why should not the question of salary also be left to the school boards, who were elected by the people? They desired schoolmasters with excellent qualifications. Well, they could get such men by paying for them, and they might give them any salaries they might think proper suited to their attainments. They were now going to have men of very high attainments—higher than were required by the Education Department for England; the demand for the fixing of a minimum salary seemed to mean that the people distrusted their own liberality; if not—there was no reason why they should not give liberal salaries. Therefore he proposed that the question of fixing the remuneration of the teachers should be left to be settled between the teachers and the representatives of the people. He believed the teachers were quite able to look after themselves, and that the people, through their representative body—namely, the school boards—were able to look after themselves. They were interested in keeping down the rates, on the one hand; but they were interested more nearly and more strongly in the promotion of good education in their several districts, on the other hand; and they were told, and again he said they were truly told, that that was the desire of the people. One word more upon one other subject, and he had done; the subject of compulsory attendance. In the present Bill he had introduced clauses on that subject which he hoped would meet with the approbation of the House. In the Bill of last year the clauses of the English Bill were substantially transferred to the Scotch Bill. In the Bill which he now asked leave to lay upon the Table of the House there were several clauses as

strong and stringent, with a view to compel the education of all the children of the country, as he thought would be practically workable. Such, then, was the character and general scope of the provisions of the education measure for Scotland which he now asked leave to introduce, and he could only, in conclusion, express the hope that it would be more fortunate than its predecessors, and pass into law in the course of the present Session. The right hon. and learned Gentleman concluded by moving for leave to bring in the Bill.

MR. GORDON said, that on the previous occasion he had offered some remarks upon the course adopted with regard to education in Scotland, and he now wished to offer to the House some explanations on the subject of the proposed Bill—not so much with the view of enlightening the people of Scotland—because he believed them to be fully enlightened upon, and to take a most intelligent interest in, the subject—as of laying before hon. Members from other parts of the United Kingdom what was, in his opinion, the position of the question, and endeavouring to satisfy them that it was proposed to introduce, by means of this Bill, principles which would considerably affect the application of similar principles in other parts of the country. The people of Scotland had been in the enjoyment for about 300 years of a system of national education—that was to say, provision had been made by legislative enactment that there should be schools in every village for the education of the young, and that in those schools, both by legislative enactment and by invariable custom, the Christian religion had invariably been taught. They were, therefore, dealing with a system which was peculiar and unrivalled—one which had obtained the admiration of men the best qualified to form opinions on the subject. Lord Macaulay and Lord Brougham had passed high eulogiums upon the system, and M.M. Guizot and Cousin agreed in the opinion that the system of national education which prevailed in the parish schools of Scotland was the best that had come under their notice. The system was, in short, one which had lasted long, had worked well, had enjoyed the respect of all Scotchmen, and he would venture to say had been to a great extent the envy of those who reside south of

the Tweed. It had, in fact, always been held forth that what we should seek to establish for England was what had been established in Scotland for centuries. He would not trouble the House at any length with proofs that the schools were intended to be, and were, in fact, religious schools, further than to mention that they were first suggested by John Knox, who declared that—

"It was most necessary that the State should be careful for the virtuous education and godly upbringing of the youth of this realm."

and further that in 1567, the first Act relating to the schools declared—

"Forasmuch as for all laws and circumstances, it is provided that youth be brought up and instructed in the fear of God and to God's honour, and as it would be injurious to their bodies and souls if they be not taught God's Word, therefore provision is made that there shall be a school established in every burgh and land (that is county parish) throughout the kingdom,"

and those schools, therefore, were placed under the supervision of the Church. At that there was considerable dissent in Scotland, for it was immediately after the Roman Catholic religion had been disestablished. In 1633, a definite provision was made on the subject of the pecuniary amount to be paid to the schoolmasters;—at that time the Established Church was Episcopal. In 1646 it was Presbyterian, and then again provision was made for masters. Further enactments of a similar character were made in 1662 and 1696, the minimum salary of schoolmasters being fixed at £100 marks, and the maximum at £200 marks. These schools provided sufficient instruction for the people for a long time; up to the present day, in fact, they provided sufficiently for the educational requirements of the great majority of country parishes, the want being found to exist mainly in parishes where mining operations and the establishment of manufactures had caused the population to increase so rapidly as to exceed the means provided by the old Scotch Act of 1696. In 1803, accordingly, it became necessary to increase the amount of provision for the schoolmasters, and a larger minimum and also a larger maximum was fixed; and again it was expressly recognized that the schoolmaster should be examined in religious subjects—showing that to impart religious instruction was a necessary part of his duty. There were other statutes with which he need

not trouble the House; but in 1861 another statute was passed increasing the maximum and minimum allowance of the schoolmasters, and while it was no longer required that the schoolmaster should be a member of the Established Church he was expressly bound to conform to the religious teaching existing in the Church—which was to say that he was prohibited emphatically from teaching anything inconsistent with the doctrines of the Bible or the Shorter Catechism. He therefore again asserted that it was according to the custom which had prevailed in Scotland for 300 years, and which had received the greatest weight of Scottish law, that religious instruction should be a necessary part of the schoolmaster's duty. They were now, therefore, landed in 1872; and now that they were about to legislate on this subject, these two circumstances must steadily be borne in mind—in the first place, it had been the custom, confirmed by repeated legislative enactments, that religious instruction should invariably be given in those schools; and, secondly, that it was in accordance with the feelings of the people of Scotland. He was also justified in adding here that there never had been a single grievance arising from the practice. There had been a most searching examination instituted by a Royal Commission, and the Commissioners reported that no single charge of proselytizing had ever been brought home to a schoolmaster at any of the schools, although they were attended indifferently by children belonging to all denominations. Free Church schools were attended by children belonging to the Established Church and *vive rerati*, while, as a matter of fact, there were more Roman Catholic children attending the parish schools than were to be found in all the Roman Catholic schools in Scotland. It was clear, therefore, that there was no religious difficulty in Scotland with regard to this question of education—let that fact be carefully borne in mind. So much for the history of the question. As his right hon. and learned Friend had stated, the Royal Commission was appointed to inquire into the subject, and they reported in 1868. It would be well for the House to remember that among the gentlemen composing that Commission were his Grace the Duke of Argyll, Lord Belhaven, Lord Polwarth, and Lord Dunfermline, who

were all well acquainted with Scottish wants and feelings:—there were also three gentlemen who had held the office of Lord Advocate of Scotland, Mr. Murray Dunlop, well-known for the interest he always took in all matters connected with the Church and education in Scotland, and other distinguished men, to the number of 18 in all, who had taken the deepest interest in the Church and educational matters in the country. His right hon. and learned Friend said it was melancholy that no measure had been passed founded upon the recommendations of the Commission, and that the House had allowed four years to be consumed in squabbling about religious questions. This might or might not represent the facts of the case quite accurately; but he ventured at any rate to say that the hon. Members sitting on the Opposition side of the House were not responsible for the delay. In 1868, when the Commissioners made their Report, he (Mr. Gordon) submitted to the Cabinet a measure founded upon it. That measure would have been brought before the House; but, unfortunately for the people of Scotland, the question of the Irish Church was raised, and, with the Scotch Reform Bill, occupied the whole time of the Session. In 1869 the present Government, speaking through the Duke of Argyll, introduced into the House of Lords a Bill which was altogether founded upon the Report of the Commissioners. That Bill passed the Upper House, and was sent down to the House of Commons certainly not later than the beginning of June. But what became of that important measure at a time when, as they had been told that night, 92,000 children were perishing in Scotland for lack of knowledge? The Bill was not proceeded with until the month of August, and then after occupying the attention of the House by fits and starts at Morning Sittings, it was sent back to the House of Lords practically a new Bill as far as details were concerned, on the day when Parliament was prorogued, and their Lordships were asked to pass it in that form at an hour's notice. The House of Lords thought this an unreasonable demand to make, and declined to comply with it—a resolution which had his approval, and was, he believed, generally approved by the country at large. In 1870 there was no Bill. In 1871 a Bill was brought in in

February, and he (Mr. Gordon) really began to think that they saw light on this question of Scotch Education; but what took place? Instead of the Government taking up and proceeding with their measure of Scotch Education, they introduced, late in the Session, a Ballot Bill, and that measure absorbed the whole time of Parliament for the remainder of the Session. They were, however, told by the right hon. Gentleman at the head of the Government that a Scotch Education Bill could be passed if they—the Scotch Members—were only unanimous. If that were so, he did not at all wonder at the Bill not being taken up. Great interest was taken in the Bill in Scotland, many Amendments were given Notice of, and a great many Petitions were presented. Some were in favour of it, some against it, and some prayed that certain alterations might be made in it; but all agreed that religious instruction should be given as hitherto, and that there should be a Scottish Board of Management, and that the interests of the schoolmasters should be attended to. Under these circumstances he certainly had expected the Bill of this evening would represent the feeling of the people of Scotland. If, however, he understood his right hon. and learned Friend correctly, this Bill was little better than a repetition of the Bill of 1871. He was glad to hear his right hon. and learned Friend intended to do something for borough schools; but he disapproved the proposal as regards parochial schools. The Commissioners proposed to continue the arrangement by which these schools were supported because the heritors, upon whom the burden fell, did not object to it, and because the land had always hitherto been bought and sold with this burden resting upon it. The Bill now submitted to the House took the management out of the hands of the heritors and gave it to the rate-payers, and divided the duty of supporting the schools between the owners, proprietors, and occupiers of property. The heritors had never grudged the schools their contributions; they had been very liberal to the schoolmasters of the Free Church, as well as the Established Church. Not only did the Commissioners deprecate any change calculated to lower the character of the parish schools, but the Professors endorsed their views—Professors who were not wedded

to the system from national feelings, but Professors from English Universities. It was not, therefore, the Church party only which asked that the parish schools might be maintained, but everyone who was most competent to form an opinion on the matter. As regards religious instruction, the Bill of 1871 proposed the repeal of all former laws and usages; he feared that the present Bill would do the same; but he assured the House that if matters were left as at present in regard to religious instruction, there would be no religious difficulty at all in connection with Scotch education. With regard to the superior control of the system, the people of Scotland had thought very carefully on the subject, and saw no reason whatever why they should depart from their almost unanimous resolution expressed last year, that the education of Scotland should be placed under the management of a Board in Scotland. He doubted whether his right hon. and learned Friend would be able to obtain the support even of his own side of the House upon this part of the Bill. The House was told that there would be a Committee of the Privy Council to manage the Scotch system. He thought the duties of the Scotch Education Department, which he regarded as very serious and onerous, ought to be separated from the English Education office, because they had a different system of education in Scotland from that which prevailed in England. In England the system was strictly elementary; whereas in Scotland they had to a certain extent secondary education for the advantage of clever boys. Again, by centralizing the systems of the two countries in one department, if an error was committed they would go on in the same groove, and it would be difficult to get out of it. Let them have an opportunity of trying their hand in Scotland with their own system, and see if they could not suggest improvements. Ireland was intrusted with the management of her own education, and he thought Scotland ought not to receive worse treatment in that respect. With regard to religious education, the people of Scotland were determined that the system of religious instruction which had hitherto existed there should not be taken away from them if they could help it. They thought that they ought to have—and he hoped they would have—religious instruction in their schools, and

given by their schoolmasters. He knew that some persons said religious instruction should be left to parents and clergymen. First as to the parents. Now, it was represented that the parents of 92,000 children—though that was rather an extravagant estimate—neglected their duty to provide secular education for their offspring; and he thought it was quite in accordance with what John Knox said, that people should be compelled to send their children to school. But did they expect that those parents, many of whom belonged to no Church, could give their children religious instruction? Then as to the clergy, they had already too many calls upon their time to be able to attend to the religious education of the children; and the result would be that if they did not get religious instruction in the schools those children would be brought up without any religious instruction whatever. There was no religious difficulty in Scotland, unless they chose to create it by their legislation. His right hon. and learned Friend said that while he did not prescribe, neither did he proscribe religious instruction. But why should they send a question which they did not think proper to determine to be fought over in the local Boards? Let Parliament itself manfully declare what it thought was necessary for the religious instruction of the children, and then the local Boards would be relieved from distressing conflicts. How many schools were there in operation as rate-aided schools in England under the Act of 1870? He might be wrong, but he doubted whether there were any. They did not know how the system would work, although it might do so better in London than in smaller places. In small parishes differences of opinion and bitterness would be engendered, and defeat would not be borne so readily in them as it might be by those who opposed the decision of the London School Board. Therefore what ought to be done was to preserve that system which they were told was in accordance with the opinions of the great majority of the Scotch people. Then they would have a system in the working of which he believed there would be no heartburning, and which would offer a satisfactory solution of what was called the religious difficulty—a difficulty which in Scotland was entirely of a theoretical and political character.

MR. McLAREN said, he would not take up much of the time of the House, but he wished to say a few words in reference to the religious difficulty. He agreed in the remark of the right hon. and learned Gentleman opposite (Mr. Gordon), who said he disapproved of relegating the question of the religious difficulty to the decision of the local school boards. Everyone in the House must agree that whatever was done on the subject should be done by that House. That which was done in England ought to be done in Scotland. They distinctly forbade all religious formularies and catechisms being taught in the national schools in England. He admitted at once that it had been customary to teach the Assembly Catechism in all the parish schools in Scotland, and it was an admirable compendium of Christian knowledge; but he denied the statement of the Lord Advocate, that there was a great preponderance in favour of teaching catechisms and formularies in these schools—opinion he thought was growing in the opposite direction. He had only that day received a letter from a minister of the Free Church—a body supposed by many to be all in favour of teaching the catechisms—containing a resolution of the Free Church Presbytery of Dumbarton. The right hon. and learned Gentleman had said that we ought to keep up the parish schools, and not sweep them away. There was no intention of sweeping them away by this Bill. They would exist after this Bill passed as they existed before; but they would be placed under better management. He denied that these schools were to be regarded as an appendage of the Church of Scotland, or that it was intended that the parish minister should have a preponderating interest in the management, that the Scriptures alone should be taught, and taught by the schoolmaster, or by any other person in the schools who was duly qualified. No doubt, the ministers of the Church of Scotland possessed great influence with the heritors who sat at the board, and who managed the schools; but so far from there being any preponderating influence on the part of the parish clergyman, the Act of 1803, which was a compendium of all the Acts referred to, especially enacted that although the minister of the parish should sit at the board with the heritors, he should never take the chair as presi-

dent of the meeting, and therefore could not have the casting vote; and therefore could not have a preponderating influence:—but he granted, from the large number of proprietors being absentees, that he in some cases practically managed the school. That was a great abuse. Then, again, as to the heritors; this small body of men managed those schools. It was by the Act of 1803 that the management was limited to the small body of men who were the owners of land which in the reign of Charles II. was rated at £100 Scots. He was rejoiced to hear that that body was to be opened: it was a sign of the times. But the right hon. and learned Gentleman knew that the tenant was liable to half the rate. Well, the Bill would give to persons really interested in education a voice, because it would give a vote to everyone resident in the parish who was rated. Now, with reference to the religious difficulty and the assumption that all parties were satisfied with the present system, he would like to call the attention of the Lord Advocate to the fact that the United Presbyterians, who had about 500 congregations in Scotland, had passed resolutions in their synod meetings declaring that they were against all denominational distinctions. Whether that was right or wrong, it was a fact, and the Lord Advocate had no right to assume that all parties were satisfied. The Independents, Baptists, and other bodies did not agree with the denominational system. Then the Free Church was, practically speaking, against it, and he believed that of late the idea was making rapid progress, that it was not necessary to require the teaching of the Catechism—the obligatory reading of the Bible being thought sufficient in the new national schools. Under those circumstances, it was assuming too much to say that there was no difference in Scotland on that subject. With reference to the Government Board, he thought that the people of Scotland would like to have a Scotch Educational Board; but he was bound to say that for himself he was not in favour of it. He did not understand what the local board could do except put its finger in the public purse, and that it had certainly no right to do. If the parish board wanted to have a new school erected, or to enlarge an old one, it could do it; but once establish a General Board in Edin-

burgh, and everything would have to be reported to that Board. It would be a busier between the parish and the Privy Council, and it would be a source of delay, and annoyance, and irritation. He would have every parish to manage its own affairs, and they would manage them best without such a Board. With regard to a Conscience Clause, he knew there existed a general minute of the Church of Scotland, made more than 50 years ago, in which a Conscience Clause was referred to, not as a thing enacted, but as a thing in use. A Time Table Clause seemed to him to be necessary, because everything must be done in order. They must inevitably appoint some time for teaching religion, as they did for the teaching of everything else. As to the 90,000 children alleged to be without education in Scotland, he did not believe a word of it. The report was contradictory. There were four different sets of figures given, beginning with 90,000 and coming down to less than 50,000; and they got at those figures in this way—they assumed that a certain number of children ought to be at school—say 1 in 6 of the population. They divided the population, and thus deducted from the product the number of children actually at school, and thus they arrived at the number of children who they said were not receiving any education. Now if there were any common rule as to the age at which all the children should leave school, that would be a very good way; but there was no such rule. The Commissioners assumed that every child should be 10 years at school—that was from 3 to 14 years of age. It might well happen that a child had been only five years at school; but they were all set down by this mode of calculation as if they had not been to school at all. With regard to the heritors, they had been required since 1692 to pay for the proper support of the school in each parish. They had from time to time advanced the salaries of schoolmasters; but those advances had been far from proportionate to the times. The Act of Parliament limited the salary to £5 12s. 6d. The masters got £50 or £60 now; but the rent of the land had risen enormously beyond that proportion. Since the time of Charles II. rents had increased forty-fourfold; but the salary of the schoolmaster had been increased only tenfold. The burden on

the landowner had been constantly diminishing, and they had not done nearly enough for the parish schools. The parish schools were originally free from all charges—there were no school fees charged—he could not find a trace of school fees for more than a century after the schools were established—but in consequence of the heritors not finding the funds to pay for a good teacher, fees came to be charged, and by the Act of 1803 the fees were made regularly chargeable. Mr. Milne Home of Wedderburn was reported to have said, and afterwards confirmed, that as an heritor he now paid £184 for the support of schools, and by the Bill of the right hon. and learned Lord Advocate would have to pay only £40, and the result of the Bill would be that the difference would have to be paid by the poorer classes, who were at present exempted, in that and all similar cases. That he held to be a great injustice, and for his part he should offer the most strenuous opposition to such an enactment.

SIR GRAHAM MONTGOMERY said, during the time he had been a Member of the House he had been present at the birth and obsequies of a great many Bills for the improvement of education in Scotland. The Royal Commission which had inquired into the subject seemed to have found a way out of the difficulties that beset it; and he should have thought that the Lord Advocate, taught by the experience of the Bill of last year, which had received the general disapproval of Scotland, would have brought in a Bill more in consonance with the Report of the Commissioners, and likely to give more satisfaction. He was sorry especially that it was not proposed to place the parish schools in the same position as that in which the schools belonging to the Established Church of England were placed by the Act of 1870. He felt sure that the establishment of local boards would give rise to local bickerings in very many parts of Scotland.

MR. GRAHAM said, he believed that the Bill, as it had been sketched out by the Lord Advocate, would meet with the acceptance of the great majority of the people of Scotland. He thought the mode he had adopted of getting over the difficulties which stood in the way of education was the best which the circumstances of the case

would admit of. There was only one way of getting over the stumbling-block of an Education Bill without violating political principles—that was, by having a purely secular system. If they had a rate-aided education, they must have boards throughout the country; but he did not think many persons would desire to see such agitation in Scotland as had arisen from the absence of local boards in certain parts of England. He, personally, on religious grounds, preferred a secular system, because he believed it to be the only one consistent with the principles of our religion. If those who held the opposite opinion persisted in throwing this obstacle in the way, it would not be possible to pass any measure which would be acceptable to the people of Scotland. It was only the rate that created the difficulty. The moment a man paid rates he had a right to have his religious principles consulted. As regarded the religious difficulty in other aspects, the Lord Advocate had done the only thing possible to escape the difficulty. He knew that the children of the people of Scotland would be religiously educated without any Act of Parliament to enforce it, and so did not think it necessary to provide that the parish schoolmaster should teach religion; nor did he hold that the clergyman was necessarily the fittest person to teach it. Did any man suppose that the people of Scotland were going to neglect the religious education of their children because the schoolmaster or the clergyman was permitted to undertake it? Was it not the duty of every Christian man to see to the religious teaching of their children and the children of their neighbours? Therefore, to provide for the religious education of children by the State was wholly unnecessary. In making such provision they were putting a stumbling-block in the way of their Nonconformist brethren, who, on the other hand, should not insist that their own views as to secular education should be inserted in the Bill. The Lord Advocate had adopted the only way out of the dilemma. He had elected to leave the religious teaching to the people of Scotland themselves, and he had provided a Time Table Conscience Clause. He had no doubt that in Committee they should be able to induce, or, if not, to compel, the Lord Advocate to provide for the exclusion.

Mr. Graham

from the schools of those catechisms which, whatever their excellence, contained nothing that might not equally be taught from the Bible. With these general remarks, he would give his unhesitating and hearty support to the measure.

MR. DIXON would ask, if the Government, the Scotch Members, and the Opposition were in favour of the Bill as it stood, what chance was there that a small body of men in England who were in favour of secular education could place any great obstacles in the way of the settlement of the question? He congratulated the people of Scotland on their having a chance of getting school boards established in every district, and getting the parish schools placed under the management of those school boards. He was glad also to know that in Scotland a stronger measure of compulsion was to be adopted than in England. At the same time, he demurred to the principle laid down by the Lord Advocate that, while he was himself in favour of secular education, he still thought it advisable that complete power should be conferred upon the school boards to provide whatever religious instruction they might choose, even to the introduction of the Shorter Catechism, on the ground that it was the wish of the people of Scotland. His (Mr. Dixon's) reason for objecting to that principle was, that he felt the religious difficulty was one of those questions which ought to be considered rather as an Imperial than a merely local or Scotch question. It appeared that Scotland was to have a little more latitude than England. If, however, they were to give the people of Scotland the right to impose a larger amount of sectarian instruction than was done in England, how could they refuse any demand from Ireland to give the people of that country a still more complete control over religious instruction there? On such a question they ought to seek to legislate for the country as a whole, and if they deviated from that clear and admirable rule, they would get into a great variety of difficulties.

Motion agreed to.

Bill to amend and extend the provisions of the Law of Scotland on the subject of Education, ordered to be brought in by The LORD ADVOCATE, Mr. Secretary Bruce, and Mr. WILLIAM EDWARD FORSTER.

Bill presented, and read the first time. [Bill 31.]

METALLIFEROUS MINES REGULATION BILL.

On Motion of Mr. Secretary Bruce, Bill to consolidate and amend the Laws relating to Metalliferous Mines, *ordered* to be brought in by Mr. Secretary Bruce and Mr. WINTERBOTHAM. Bill presented, and read the first time. [Bill 30.]

PUBLIC PETITIONS.

Select Committee appointed, "to whom shall be referred all Petitions presented to the House, with the exception of such as relate to Private Bills; and that such Committee do classify and prepare abstracts of the same, in such form and manner as shall appear to them best suited to convey to the House all requisite information respecting their contents, and do report the same from time to time to the House; and that such Reports do in all cases set forth the number of signatures to each Petition:—And that such Committee have power to direct the printing *in extenso* of such Petitions, or of such parts of Petitions, as shall appear to require it:—And that such Committee have power to report their opinion and observations thereupon to the House:—"—Mr. CHARLES FORSTER, Mr. BONHAM-CARTER, Major GAVIN, Mr. HASTINGS RUSSELL, Sir DAVID SALOMONE, Mr. OWEN STANLEY, Mr. KINNAIRD, Mr. McLAGAN, Earl PERCY, Mr. DIMSDALE, The O'CONOR DON, Mr. WILLIAM ORMSBY GORE, Mr. REGINALD TALBOT, Lord GARLIES, and Mr. GUEST:—Three to be the quorum.

CAPITAL PUNISHMENT ABOLITION BILL.

On Motion of Mr. CHARLES GILPIN, Bill to abolish Capital Punishment, *ordered* to be brought in by Mr. CHARLES GILPIN, Mr. ROBERT FOWLER, Mr. M'LAREN, and Sir JOHN GRAY.

Bill presented, and read the first time. [Bill 32.]

MARRIAGES (SOCIETY OF FRIENDS) BILL.

On Motion of Mr. CHARLES GILPIN, Bill to extend the provisions of the Acts relating to Marriages in England and Ireland, so far as they relate to Marriages according to the usages of the Society of Friends, *ordered* to be brought in by Mr. CHARLES GILPIN, Mr. WILLIAM FOWLER, Mr. LEATHAM, and Mr. PIM.

Bill presented, and read the first time. [Bill 33.]

House adjourned at half after
Eleven o'clock.

HOUSE OF LORDS,

Tuesday, 13th February, 1872.

MINUTES.]—SELECT COMMITTEE—*First Report*—Thanksgiving in the Metropolitan Cathedral. (No. 11.)

PUBLIC BILLS—*First Reading*—Ecclesiastical Courts and Registries* (15); Ecclesiastical Procedure* (16).

NEW PEER.

The Right Honourable John Evelyn Denison, late Speaker of the House of Commons, having been created Viscount Ossington—Was (in the usual manner) introduced.

PRIVATE BILLS.

Ordered, That this House will not receive any petition for a Private Bill after Thursday the 21st day of March next, unless such Private Bill shall have been approved by the Court of Chancery; nor any petition for a Private Bill approved by the Court of Chancery after Friday the 10th day of May next:

Ordered, That this House will not receive any report from the judges upon petitions presented to this House for Private Bills after Friday the 10th day of May next:

Ordered, That the said Orders be printed and published, and affixed on the doors of this House and Westminster Hall. (No. 13.)

TREATY OF WASHINGTON—

THE ALABAMA CLAIMS.—QUESTIONS.

LORD REDESDALE asked the Secretary of State for Foreign Affairs the following Questions:—Whether, if A. and B. in partnership sue C. in a Court of Law for injury done to their firm by fraud or otherwise, and C. pleads and proves that B. was acting with him in all the matters complained of, such plea would not be a complete answer to the suit, and render any recovery of damages impossible? Why a plea which is good in law, and which common sense pronounces to be just, has not been considered by Her Majesty's Government applicable to a new case in international law, and urged against the Alabama claims made on this country by the United States of America, in which the North and South are now partners, inasmuch as all the acts for which this country is charged with being culpably responsible were done by the South, and that partner now joins in the application to be paid for having done them? He had put a similar Question to the noble Earl the Secretary of State on two occasions last year. On the first of those occasions the noble Earl replied that he was not aware whether the point had been previously raised, but certainly it had not suggested itself to the Legal Advisers of either the present Government or the late one, and it had not formed a portion of the instructions given to our Commissioners. Now, it appeared to him (Lord Redesdale) that

from the moment the North and the South concluded their differences it was an error to admit for a moment that the United States could claim damages for anything done by the Southern States, or in the interest of the Southern States, during the hostilities. By uniting with the Southern States after they had been recognized as belligerents the Northern States had condoned any offence of which the former might have been guilty, and we were entitled to say, "You have condoned the acts of the principal offender, and you cannot now have any claim against those who acted merely as their agents." He believed the only answer to this was what must be called a technical one. It was that the North and the South were not partners, the whole of the United States being one and indivisible. If this were the case now, certainly it was not the case while the war was going on, and when the South was acknowledged to be a belligerent. Having admitted that, no doubt the North had a right to insist that the South should pay the damages done to the North; but they took no such course, and having thus omitted to exact reparation from the party who had directly done the wrong, they could not now make any one else liable. Last year he asked the House to consider how the case would have stood if the result of the war had been different, and the Southern States had succeeded. Under such circumstances we should have had a right to recover from the South any damages which we might have paid to the North. He thought the question he had ventured to raise was well worthy of consideration, because we had to deal with a case which was entirely new in International Law. Whatever the technical answer might be, he held that what had been the Northern States and the Southern were practically partners, and that they could not justly ask compensation for acts done by one of the partners or in that partner's behalf before the present partnership. Of course, he did not admit that under any circumstances the Government of the United States had a cause of complaint against us; but he thought that the reasons he had adduced were a preliminary objection to any such demand as that which it had put forward, and he could not understand why it had not been made part of the English Case.

Lord Redesdale

EARL GRANVILLE: My Lords, during the debate last week on the Address an unanimous feeling seemed to be entertained on both sides of the House that it would be better not to discuss the *Alabama* claims in the present state of the negotiations on the subject. But I do not think that unanimous feeling applies to the point brought under your Lordships' notice by the noble Lord this evening in repeating Questions which he put to me on two occasions last Session—and which I admit he has done in a singularly calm, temperate, and business-like manner. The noble Lord will, however, excuse me if, on the part of Her Majesty's Government, I do not answer questions on English law put on a hypothetical case. When the noble Lord asked his Question last Session, I told him that when the Case of this country came to be prepared, it would be the duty of Her Majesty's Government to consider every possible point that could fairly and honourably be urged against the United States claims. The suggestions of the noble Lord have been brought under the attention of those learned persons to whom had been intrusted the preparation of the British Case; but neither these nor any other arguments had been used; for it had been thought that in drawing up our original Case it would be better to confine it to a statement of the facts which had formed subjects of the correspondence, and which we could prove, reserving arguments for a future occasion. The point raised by the noble Lord is, with others, still under the consideration of those whose duty it is to advise the Government in reference to the arguments which it may be desirable to use in support of our Case. Under these circumstances, I am sure your Lordships will agree that it would be improper for me to go further on this occasion.

LORD ORANMORE AND BROWNE said, he must first reply to the remarks of the noble Earl (Earl Granville), that the House had agreed that at the present time it was inopportune to discuss the question, which, though made on the noble Lord's (Lord Redesdale's) previous Motion, was evidently intended to apply to the Questions he now asked. Last Session he had thought there were special reasons that made it his duty, with every deference to their Lordships, to ask the House to pass a Vote of Censure on the

Government for making the Treaty of Washington, and before he sat down he hoped he should show the House that there was an excellent reason for his now asking the Questions of which he had given Notice. He could not pretend to judge of what course it was expedient for those who sat on the front benches to take; but he must himself persevere in taking that which he believed the occasion required. He must first recall to their Lordships, as shortly as possible, what occurred last Session. Earl Russell, the Nestor of the Liberal Party, formed an opinion so condemnatory of this Treaty that he moved an Address praying the Crown not to ratify it. In the course of the debate on that Motion, the noble Earl (the Earl of Derby) recommended their Lordships not to agree to the Motion, because a similar one could not be passed in the other House; and the Motion was not pressed to a division, because it was agreed, on both sides of the House, that it was informal. Believing the Treaty "contrary to the honour and dignity of this country," he brought forward a Motion to that effect; and he submitted that, had their Lordships approved of it, the country would now have felt that their Lordships' House had shown both foresight and public spirit. In addition to which their Lordships, by passing such a vote, would have made it evident to the American people that the Treaty was disapproved by many in this country, and probably the Government of the United States might have put forward very modified claims to those now submitted. He felt, therefore, that these circumstances entirely justified the course he took last Session. Before going further, he must recall to their Lordships that last year the noble Earl the Secretary of State for Foreign Affairs could hardly find terms sufficiently eulogistic to describe the conduct of those noblemen and gentlemen who negotiated this unfortunate Treaty; and, not satisfied with that, the Premier advised the Crown to bestow high honours on many of them. Now, all he would say was, that though they might have deserved those honours for other public services, it certainly was premature to bestow them for the benefits likely to accrue from this Treaty; but this was, in truth, a minor consideration, for the public cared little whether there was a Marquess more or less; but

they felt much aggrieved at having, by the language of the noble Earl (Earl Granville), and by the conduct of Her Majesty's Government, been misled into the belief that perfect goodwill had been cemented between this country and the United States, and on the faith of this they had invested millions of money in American securities, at a rate of purchase which now left them heavy losers. He considered, that if nothing had occurred since the debate in this House on the Address, Her Majesty's Government having accepted the view then laid down by the noble Earl (the Earl of Derby), he did not think it would have been advisable to make any further remark at present; but utterances had been heard in "another place" that he thought demanded explanation, and these were the immediate cause of his Question. But before entering on these, he must ask their Lordships to remember that he last year called their attention to the fact that the difficulty American statesmen had in preserving good feeling between the two countries was the frequency of elections in the States, and the consequent necessity of both the Republican and Democratic parties bidding for the Irish vote, which, he was sorry to say, was always hostile to the Government and people of this country. He could intend no offence to the American Government or people in saying this; for, unfortunately, we knew what an ill effect that vote had on our own institutions, and he could not but think that it had much to do with the extraordinary case lately presented by the American Government. On looking back, he did not think it at all difficult to see how the present misunderstanding arose. Last Session the noble Earl (Earl Granville) told their Lordships that he had not paid much attention "to points such as forms of expression;" whereas the whole of the present difficulty arose from what was included in "claims growing out." He thought that allowing an expression so indefinite in so serious a document must arise from childish simplicity or hopeless incompetency. It was a gross and palpable blunder, which had best be at once acknowledged and repudiated as loose phraseology; for to do the noble Earl (Earl Granville) justice, in his speech last year he most distinctly stated that

else that requires great professional skill. I regret, therefore, that when negotiations of such importance were to be conducted at Washington men of that stamp were not sent out. Had they been, I do not think the errors which men of less experience might fall into were likely to have arisen.

HOUSE OF COMMONS PAPERS.

THE MARQUESS OF SALISBURY moved, That the Lists of Accounts and Papers printed by Order of the House of Commons, which are laid upon the Table with the Votes of that House, be printed and circulated with the Minutes of this House.

EARL GRANVILLE thought the proposition of the noble Marquess an excellent one.

EARL GREY suggested that a means should be adopted whereby Peers who wished for certain Papers produced in the Commons might be able to procure them without moving for their production in their Lordships' House. It might be that only a very few Peers required a certain Paper issued to the Commons; but when a Motion was made for its production in the Lords, a sufficient number of copies had to be printed for all the Members of their Lordships' House.

EARL GRANVILLE said, the suggestion of his noble Friend should be considered by the Government.

Motion agreed to.

Ordered, That the Lists of Accounts and Papers printed by Order of the House of Commons, which are laid upon the Table with the Votes of that House, be printed and circulated with the Minutes of this House.

ECCLESIASTICAL COURTS AND REGISTRIES BILL [H.L.]

A Bill for better enforcing the Laws Ecclesiastical respecting the discipline of the clergy; amending the constitution and regulating the mode of procedure of the Ecclesiastical Courts; and regulating the government of the Ecclesiastical Registries in England—Was presented by The Lord CAIRNS; read 1^o. (No. 15.)

ECCLESIASTICAL PROCEDURE BILL [H.L.]

A Bill for amending and declaring the Law as to the right of the laity to institute proceedings in the Ecclesiastical Courts, and for declaring by whom judgment may be pronounced for deposing Clerks in Holy Orders—Was presented by The Lord CAIRNS; read 1^o. (No. 16.)

House adjourned at a quarter past Six o'clock, to Thursday next, half past Ten o'clock.

The Earl of Malmesbury

HOUSE OF COMMONS,

Tuesday, 13th February, 1872.

MINUTES.] — NEW MEMBER SWORN — John Philip Nolan, esquire, for Galway County.
SELECT COMMITTEE—Thanksgiving in the Metropolitan Cathedral, appointed.

PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading—Religious Disabilities Abolition* * [34].

Ordered—First Reading—Poor Law (Scotland) [35]; Game Laws Abolition [36]; Contagious Diseases, Prevention [42]; Charitable Trustees Incorporation * [38]; Adulteration of Food and Drugs * [37]; Justices' Clerks (Salaries) * [39]; Public Parks (Ireland) * [41]; Game Law (Scotland) Amendment * [40].

THE QUEEN'S SPEECH—HER MAJESTY'S ANSWER TO THE ADDRESS.

THE COMPTROLLER OF THE HOUSEHOLD (Lord OTHO FITZGERALD) reported Her Majesty's Answer to the Address, as follows:—

I thank you for your loyal and dutiful Address.

I rely with confidence on your careful consideration of the measures which will be submitted to you, and I assure you of My sincere desire to co-operate with you in your endeavours to promote the welfare of My People.

RAILWAY AMALGAMATION BILLS.

QUESTION.

COLONEL WILSON PATTEN asked the President of the Board of Trade, Whether he intends to propose any special measure for the consideration of Railway Amalgamation Bills?

MN. CHICHESTER FORTESCUE replied that, without giving any opinion as to the merits of the Railway Amalgamation Bills referred to by his right hon. and gallant Friend, he might state that, in the opinion of the Government, it would not be advisable to leave those Bills to take the ordinary course of reference to a private Committee. It would also be advisable, in their opinion, before Parliament was asked to sanction those Bills, to institute a preliminary inquiry into the question of the public interests involved in these great amalgamations, and the practicability of protecting those public interests. As to the precise mode of inquiry, or the precise terms of reference, he would rather not pledge himself to them at that moment.

COLONEL WILSON PATTEN wished to inquire, as the matter was of immense importance to commercial and also to railway interests, when he could put a Question as to the exact Motion proposed to be made by the right hon. Gentleman?

MR. CHICHESTER FORTESCUE said, he would communicate with his right hon. and gallant Friend within the present week.

POST OFFICE—SUNDAY LABOUR—THE REPORT OF THE COMMITTEE.

QUESTION.

MR. REED asked the Postmaster General, When the Report of the Committee upon Sunday Labour in the Post Office will be laid before the House?

THE CHANCELLOR OF THE EXCHEQUER said, it would be laid before Parliament immediately.

SCIENCE AND ART MUSEUM (EAST LONDON).—QUESTION.

MR. REED asked the Vice President of the Council, When the East London Museum on Bethnal Green will be opened to the public?

MR. W. E. FORSTER, in reply, said, he believed the Museum would be handed over to the Science and Art Department in about another month; that it would take about six weeks thereafter to make the necessary arrangements; and that he trusted the Museum would be open before the end of April.

THE FIJI ISLANDS.—QUESTION.

MR. DIXON asked the Under Secretary of State for Foreign Affairs, Whether the Government of the Fiji Islands has been acknowledged by Her Majesty's Government, and if not, whether he can state to the House the reason why the acknowledgment has been delayed?

VISCOUNT ENFIELD: It is presumed that the hon. Member refers to a Council of British subjects which has been formed under the authority of one of the Native chiefs in the Fiji Islands. The Governors of New South Wales and of some other Australian colonies, and the Naval authorities on the station, have been instructed to deal with this newly-constituted Government so long as it exercises actual authority as a *de facto* Government so far as concerns the dis-

tricts which may acknowledge its rule; but Her Majesty's Government are not prepared to give any opinion as to the propriety of formally recognizing it without much fuller information as to its character and prospects.

BANK HOLIDAYS ACT—THANKSGIVING IN THE METROPOLITAN CATHEDRAL.

QUESTION.

MR. BARNETT asked the First Lord of the Treasury, Whether it is in contemplation to make the 27th of February a Bank holiday in the city of London or elsewhere, under the provisions of the fourth section of "The Bank Holidays Act, 1871?"

MR. GLADSTONE, in reply, said, the Government had desired to do whatever seemed agreeable to those more particularly concerned, and, having had communications with the representatives of City banking houses, he was led to believe that it would be agreeable if the 27th of February were made a bank holiday according to law, so far as London was concerned. That, therefore, it was the intention of the Government, as at present advised, to do. Their intention, however, was limited to the metropolis.

RAILWAYS—COMMUNICATION BETWEEN PASSENGERS AND GUARDS.

QUESTION.

SIR HENRY SELWIN-IBBETSON asked the President of the Board of Trade, If it is his intention to take any steps this Session for enforcing the adoption, by Railway Companies, of a really efficient means of communication between passengers and the drivers and guards of trains?

MR. CHICHESTER FORTESCUE, in reply, said, he was well aware of the unsatisfactory working of the present system of communication between passengers and guards; but he did not think they could say that a really efficient mode of communication had yet been discovered, which would entitle the Government or Parliament to enforce the mode exclusively upon railway companies. He had, however, pointed out to the different railway companies the failure of the rope system, and called upon them to submit to the Board of Trade an improved mode of communication. When he had received the

answers to this circular, he would be better able to decide what should be done.

RECTORY OF EWELME.—QUESTIONS.

MR. MOWBRAY asked the First Lord of the Treasury, Whether by an Act of Parliament passed in 1871, Her Majesty is entitled to present to the Rectory of Ewelme only a person who is a member of Convocation of the University of Oxford; whether the Reverend Wigan Harvey, M.A., of King's College, Cambridge, was on the 10th day of October, 1871, incorporated as a Member of Oriel College, in the University of Oxford, and having subsequently completed forty-two days of residence within the last-mentioned University was, on the 22nd day of November, 1871, admitted by the Vice Chancellor of Oxford "ad jus suffragandi in domo Convocationis," in these terms, "Magister licet tibi post centum et octoginta dies ex hoc die numerandos jus suffragrandi in domo Convocationis exercere;" whether the Reverend Wigan Harvey was, on the 15th December, 1871, presented to the Rectory of Ewelme, and further instituted thereto on February 6, 1872; whether the Statutes of the University of Oxford provide "Neque licet ulli jus suffragandi in domo Convocationis exercero nisi post centum et octoginta dies ex eo die quo coram Vice Cancellario comparuerit computandos;" whether under these circumstances Her Majesty has been advised that the Reverend Wigan Harvey was, on the 15th December last, such a member of Convocation of the University of Oxford as Her Majesty was by Law entitled to present to the Rectory of Ewelme; and, whether he is aware when or by whom it was first suggested to the Reverend Wigan Harvey that he should become an incorporated member of the University of Oxford?

MR. GLADSTONE: I will, with the permission of the right hon. Gentleman, begin with the last of his formidable list of Questions, which I have seen for the first time this morning, because that is alone strictly within my province. It was first suggested to the Rev. Mr. Harvey that he should become an incorporated member of the University of Oxford by myself on the 31st of July last, when, the Act having passed, it be-

came my duty to consider, in view of the approaching voidance of the living, how it should be disposed of. With the four Questions, from the second to the fifth, I have no concern whatever. It was my duty to inform the Rev. Mr. Harvey of the conditions of the Act of Parliament. With the Question as to whether he should become a member of the Convocation of Oxford I had nothing to do. That matter rested entirely between himself and the University. If Mr. Harvey, under the guidance of the authorities of the University, has duly qualified himself, he is then Rector of Ewelme. If he has not duly qualified himself under those formidable statutes which the right hon. Gentleman has quoted, and which I am glad to see he appears to have by heart, then so much the worse for Mr. Harvey, inasmuch as I apprehend he is not Rector of Ewelme at this moment. But as that is rather a serious question, I have taken the liberty of sending these Questions of the right hon. Gentleman to Mr. Harvey, and I have no doubt he will give me an opportunity of knowing how the matter stands. It is no part of the duty of the First Minister of the Crown to ascertain, by the inspection of original documents and of deeds, the qualifications of persons whom he presents. It is his duty to see they know what qualifications they ought to have, and it is his duty to have presumable and probable evidence upon the case. If the right hon. Gentleman chooses to make inquiry, he will find that cases of such a nature have constantly happened. On the day when I came into office I found two cases of great importance, with respect to which most important legal doubts were stated to me to exist. They had just been made by the Crown; and as to one of them, it took the Law Officers a considerable time before they could arrive at a conclusion. In the first Question, although it is not very clearly expressed, the right hon. Gentleman asks in what sense it is that I understand the Act passed last year. He asks—"Whether by an Act of Parliament passed in 1871, Her Majesty is entitled to present to the Rectory of Ewelme only a person who is a Member of Convocation of the University of Oxford?" Yes, Sir, that is so, and I have reason to know that, because my concern in the Act of Parliament is altogether a special one. The Bill for sever-

ing the Rectory of Ewelme from the Regius Professorship of Divinity was a measure for which I was peculiarly responsible. When the Bill was brought in, desiring to pay all possible respect to the University, although it was needful to separate the Rectory from the Professorship, my object was to leave the Rectory as nearly as possible in the same position in which it stood before the severance with reference to the privileges of the University of Oxford. Now, the right hon. Gentleman, I dare say, knows perfectly well what that position was. The Queen could appoint to the Professorship of Divinity any person she pleased, whether a member of the University of Oxford or not; but the Regius Professor of Divinity became, of course, upon his appointment, a member of the Convocation of the University of Oxford. In the Bill, as originally introduced, it was provided that no person should be eligible for the Rectory except a person who was eligible for the Professorship. But in the House of Lords it was thought better to say—except a member of the Convocation of the University of Oxford. When that was brought under my notice I said I saw no objection to it, because just as the University of Oxford would receive or did receive habitually as a member a person presented to the Professorship, so they would receive a person presented to the Rectory of Ewelme. The right hon. Gentleman will understand that it was no part of my duty—indeed, it would have been inconsistent with it—to submit to any limitation of the patronage of the Crown. The object was to effect a practical reform, but to leave the patronage where it was. The patronage was not limited before the severance, and consequently it was not to be limited to the Regius Professorship afterwards. My concern in the Bill was considerable, because when the rights of the Crown are affected by a measure going through this House, by the Rules of this House it cannot pass unless the consent of the Crown be given. It was my duty to advise with respect to the consent of the Crown, and I could not have advised the consent of the Crown being given to that measure if it had been professed or declared that the intention of the measure was to limit that patronage. I saw no such intention to limit the patronage of the Crown, and therefore to narrow the

circle of selection of persons for the Rectory of Ewelme. I will not enter further into this question; but if the right hon. Gentleman chooses to have a discussion at length, I shall be most happy to state my reasons for this appointment.

MR. MOWBRAY: The right hon. Gentleman has not answered some of my Questions. Do I understand that he will on a subsequent day, after communication with the Rev. Mr. Harvey, answer them if I repeat them?

MR. GLADSTONE: I have referred them to Mr. Harvey, and I will take care that whatever information I can obtain is given to the right hon. Gentleman.

TREATY OF WASHINGTON— THE "ALABAMA" CLAIMS.—QUESTION.

MR. DIXON asked the First Lord of the Treasury, Whether any despatches have been sent to the Government of the United States since the publication of the American Case on the *Alabama* Claims; and, if so, whether he would object to their being at once laid upon the Table of the House?

MR. GLADSTONE: I am sorry to say that it was not in the power of Her Majesty's Government, consistently with their duty, to present any communications to the Government of the United States since the publication of the American Case in the *Alabama* Claims. I sympathize with the desire of my hon. Friend, and I can assure him that the Government will be as well pleased as himself when they can find it possible, consistently with their duty, to present the communications.

FORTIFICATIONS OF BERMUDA.

QUESTIONS.

SIR JOHN HAY asked the Surveyor General of Ordnance, If the Fortifications of Bermuda have been completed and armed?

SIR HENRY STORKS replied that they were not completed.

LORD ELCHO asked within what time the fortifications would be completed and armed?

SIR HENRY STORKS said, he was not able to answer the Question at present; but he would inquire and let the noble Lord know.

night to be given for the discussion of this subject. The hon. Member for North Warwickshire (Mr. Newdegate), however, had made a suggestion that the Government would have the greatest pleasure in acceding to, and that was that they should devote some private night to the discussion of the matter; and Friday had been suggested. As a compromise between the House and the Government, he thought that the adoption of this suggestion would be very reasonable, and he would suggest that some Friday should be taken for the purpose. He might, however, remind the House that these Resolutions could not be brought on as Amendments on going into Committee of Supply, and if the course so suggested were adopted it could only be done by postponing the Committee of Supply until after the discussion upon the Resolutions had been held. Probably the most convenient day on which the discussion could be taken would be next Friday week.

MR. G. BENTINCK said, that the right hon. Gentleman who had just sat down was in error when he stated that the House had objected to the proposal of the Prime Minister to refer this matter to a fresh Committee. The fact was that while only two voices had been raised against that proposal, and before the general view of the House upon the subject could be ascertained, the right hon. Gentleman at the head of the Government had risen in his place, and had withdrawn his Resolution for the re-appointment of the Committee of last Session. In his opinion, the great majority of the House was in favour of the re-appointment of that Committee. He thought, however, that the Committee should be differently constituted. Further, it was within the knowledge of most Members that there were facts in connection with the proceedings of the Committee which made those proceedings so irregular that they had lost all claim to the consideration of the House. He would, he believed, not be using too strong an expression when he said that the question submitted to the Committee was not fairly dealt with by them. They were about to deal with one of the most important questions that could be brought before the attention of the House of Commons. The hon. Member for Waterford (Mr. Osborne) had truly said that it was a question of importance to inde-

pendent Members of the House; and he would add that it was a most important question, not only for the House, but for the country at large. If this question were placed for discussion upon a private night it must necessarily come on at a time that it would not be possible to give it due consideration. The right hon. Gentleman said that it would not be possible to give a Government night for the purpose; but could it be said that the question was so unimportant that it was not worthy of having a Government night devoted to it? It was a Government measure, brought forward by the Government; and if it were not a direct attack upon the privileges of the House, it was at least a proposal to make such vital changes in the mode of conducting business that no more important question could be brought before them. He trusted that the House would not consent to discuss the question unless it were brought forward as the first measure upon a Government night.

MR. COLLINS said, he thought that the House had some reason to find fault with the course taken by the Government in respect of this question. It was the understanding last Session that the Government would endeavour to embody the recommendations of the Committee in their Resolutions. As one of the Members of the Committee, he might say that there were six Resolutions passed, but three of them had been utterly ignored; and of the Resolutions proposed by the Government, the second one had not been proposed by the Committee. The Resolutions that the House were asked to adopt were not those of the Committee, but some that the Government had evolved out of their inner consciousness. There was but one Resolution upon which the Committee were unanimous, and that was that no opposed business should be taken after half-past 12 at night; and surely if the Committee were worth anything the Government should have taken some notice of that. The only Resolution of the Committee that the Government had taken any notice of was that as to strangers withdrawing, and, under these circumstances, it was too bad to endeavour to entrap the House into a decision as if they were only carrying into effect the decision of the Committee.

MR. BOUVERIE pointed out that the debate was of rather an irregular cha-

racter, and remarked that, as he understood the state of the case, the Chancellor of the Exchequer had practically abandoned the hope of bringing on those Resolutions that evening, and had, in accordance with a sort of vague desire to meet the wishes of the House—which had been ascertained in some unknown manner—proposed to fix the discussion on the Government Resolutions for some Friday evening. He (Mr. Bouvierie) was afraid that when the appointed Friday arrived hon. Members who had Notices on the Paper would not be so ready to give up their rights as the right hon. Gentleman appeared to assume. The right hon. Gentleman did not seem to fully appreciate the force of his own case, because the matter was one which concerned not only the House and the Government, but the despatch of the business of the country. If these Resolutions were required to facilitate the business of the country, he was sure that the majority of the House would assent to them; but he thought it desirable that the question should be disposed of upon a Government night, and as soon as possible, because if the consequences anticipated from the Resolutions should follow the Government would get on with their business much more rapidly and efficiently than if this discussion were kept hanging over. The Government should take warning from what had occurred last Session with reference to this subject, because, although the Report of the Committee was laid upon the Table of that House on the 31st of last March, no time had hitherto been found for discussing the recommendations it contained.

LORD JOHN MANNERS said, he thought that there were two courses open to the Government in this matter—to regard the question either as one of the most important that could be submitted to Parliament or else as a Government matter, and in either case to bring it on on a Government night.

Motion agreed to.

House, at rising, to adjourn till Tomorrow, at Two of the clock.

BUSINESS OF THE HOUSE (LORDS' BILLS).
RESOLUTION.

MR. MONK moved, as an addition to the Standing Orders—

"That when a Bill brought from the House of Lords shall have remained upon the Table of

this House for twelve sitting days without any honourable Member giving notice of the Second Reading thereof, such Bill shall not be further proceeded with in the same Session."

The hon. Member said, he did not anticipate any objection being raised to the proposed Order, as it was framed in the exact words of a Standing Order of the House of Lords, which was adopted last Session with the approval of the Government. It was sometimes impossible towards the end of the Session, when a large number of Bills came down from the other House, to ascertain who were the hon. Members in charge of them, and it sometimes occurred that a Bill, after lying for weeks upon the Table, was, on the Motion of some hon. Member, read a second time at 3 o'clock in the morning, and became law without having been properly discussed. As an additional remedy, he thought it desirable that the names of the hon. Members who had charge of Bills originating in the House of Lords should be printed on the backs of the Bills when they came down to that House.

Motion made, and Question proposed,

"That when a Bill brought from the House of Lords shall have remained upon the Table of this House for twelve sitting days without any honourable Member giving notice of the Second Reading thereof, such Bill shall not be further proceeded with in the same Session." — (Mr. Monk.)

COLONEL FRENCH said, he thought the proper course would be for the hon. Member to bring forward his proposal in Committee.

MR. GLADSTONE observed, that the only question was whether they were to enter that evening upon this Motion, which really formed part of the subject which it had been agreed should be postponed; and, under the circumstances, he took it almost for granted that the hon. Member would not press his Motion, and that it would be withdrawn. It would be impossible for the Government to accede to the Motion; but if the Notice were left upon the Books and a Committee appointed to consider the general subject, it would be very proper that such a Motion should be brought under the notice of the Committee.

MR. SPENCER WALPOLE asked whether any of these Motions would be proceeded with that night, and whether the Government would take the opportunity of saying in a day or two what course they would recommend the House to pursue?

THE CHANCELLOR OF THE EXCHEQUER: The Motions would not be proceeded with that night, and they would simply stand adjourned until Friday week.

MR. SPENCER WALPOLE said, he thought that Friday fortnight would be better.

MR. NEWDEGATE said, he could not presume to accept the responsibility that had been thrown upon him by the Chancellor of the Exchequer of moving the suspension of the Standing Orders on Friday week. If the Government wanted their Resolutions to be properly discussed, they ought to provide for the discussion being taken on a Government night, or else themselves move the suspension of the Standing Orders on Friday week.

MR. GLADSTONE said, that the only effect of fixing these Resolutions for Friday week would be that they would not be discussed on an earlier day. The question of postponing the Notices and the Orders on Friday week until after these Resolutions had been disposed of was another matter, and it was the great confidence of the Government in the influence of the hon. Member for North Warwickshire, and in his promise that he would exert himself to the utmost of his power to obtain a Friday evening for the discussion of the Resolutions, that had induced them to give up their chance of bringing on the subject that night.

MR. G. BENTINCK said, he hoped that it would be understood that those who objected to the course of the Government would insist upon their giving a night for the discussion of these Resolutions, so that they should not be discussed in the scrambling way that they must be dealt with if the discussion should come on upon a Friday evening.

Motion, by leave, withdrawn.

IRELAND—DUNGANNON BENCH OF MAGISTRATES.

MOTION FOR PAPERS.

LORD CLAUD HAMILTON, in rising to call the attention of the House to the treatment of the Dungannon Bench of Magistrates by the Irish Government; and to move for Copies of the Report of the Commissioners appointed by the Lord Lieutenant to hold an inquiry into the charges preferred against them, the

inquiry having terminated on the 24th of August last; and, of Correspondence that has passed between the Magistrates accused and the Government in reference to the charges made against them, said, that there was no person in the House who was less disposed to bring under their attention merely local matters; but still he must at the outset admit that the matter now in hand was local, and referred to individuals not known to the general public. It had, however, a direct bearing upon the administration of justice, and upon this great question, whether gentlemen who in Ireland undertook the responsible position of magistrates were entitled to the support of the Government in the discharge of their duties. The character of the magistracy was public property, and anything calculated to affect their character for impartiality and a desire to do equal justice to all would prove seriously detrimental to the public interests. In fact, their character should not merely be pure, but it should be above all suspicion. It was, therefore, impossible to exaggerate the importance of a public investigation into the conduct of the magistrates. It was the duty of the Government, when serious charges were made into the character and conduct of gentlemen in the position of magistrates, to institute a searching inquiry into the subject; and, if those charges were sustained, to immediately take steps for their removal from the magisterial bench. If, on the contrary, those charges were found to be utterly baseless and untrue, it was equally the duty of the Government to give the accused the utmost satisfaction, and to make known to the world the results of their inquiry. Now, the circumstances of the particular case he had to submit to the consideration of the House dated as far back as seven and a-half months ago. At that time no less than seven honourable gentlemen were publicly charged with partiality in their magisterial capacity; and from that day to the present, they had been wholly unable to elicit from the Government an opinion, as to whether they deserved that serious imputation or not, although all the while allowed to continue their important and arduous functions towards the public. Nothing could be more prompt than the demand made by these gentlemen for a full and searching inquiry into the allegations against their character. He had

the honour of being charged by those seven gentlemen, who felt themselves seriously aggrieved by imputations upon their character, to bring their case before the House. The facts of the case were these:—On June 23 an investigation took place in the town of Dungannon, arising out of a complaint made by a constable against the sub-inspector of the force, both stationed in that town. The circumstances of that complaint had, however, nothing to do with the magistrates whose case he now represented. In the course of the inquiry the evidence of Captain Ball, the stipendiary magistrate at Dungannon, was taken, and that gentleman, when cross-examined, stated, to the astonishment of all the gentlemen present—many of whom had acted with him for a considerable time previously in the most friendly and familiar manner—that, in his opinion, the magistrates generally sympathized with drumming parties who disturbed the public peace. That statement, charging partiality and partizanship, created a great sensation, and immediately attracted the attention of the seven gentlemen to whom it directly applied. Being all honourable men, they lost not a moment in taking public notice of it, and in demanding a Commission of Inquiry into their general conduct as magistrates. They wrote a letter on the subject to the Lord Chancellor, calling his attention to the case, and praying that high functionary to institute an investigation at once, as the charges made affected their personal honour, and also through them the administration of justice in their locality. The Lord Chancellor replied most courteously, expressing his regret that he could not interfere in the way requested, inasmuch as he had no jurisdiction over stipendiary magistrates, and referring the applicants to the Executive Government. The magistrates aggrieved then addressed a letter to the Lord Lieutenant, setting forth the whole case, and requesting his Excellency to institute a public inquiry. No notice whatever, as he was informed, was taken of this communication by the Lord Lieutenant. An intermediate letter, however, was received from the noble Lord the Chief Secretary, having reference to another transaction entirely. A second letter, couched in the same terms as the former one, was forwarded to the Lord Lieutenant. An answer was received on the

31st of July, in which he ventured to say there was evinced an evident disinclination on the part of his Excellency to allow the accused any inquiry or satisfaction. The noble Lord in that letter declined to call on Captain Ball to substantiate his charge, insisting that no charge had been made. A further correspondence took place, in the course of which a clear and forcible letter on the subject from his hon. and gallant Friend the Member for Dungannon (Colonel Stuart Knox) was addressed to the noble Lord. Upon receipt of this the Executive no longer refused the demand upon it, and Captain Ball was called upon to support his charge before a Commission of Inquiry appointed to investigate it as well as the allegations contained in a certain memorial to which he (Lord Claud Hamilton) would by-and-bye call the attention of the House. But he regretted to say it appeared to him that the noble Lord seemed to entertain little sympathy with the feelings of these magistrates, and to think that they might be assailed with impunity, and that no opportunity need be given to them to vindicate their conduct and character from the charges thus unfairly made against them. As a Member for the county he (Lord Claud Hamilton) felt himself called upon to put a Question to the noble Lord on the 6th July in relation to this matter, but failed to receive such an answer as could satisfy the magistrates of Dungannon. In justice to Captain Ball he must say that he had heretofore acted in a most gentlemanly spirit, and was, generally speaking, much esteemed and respected. He had never imputed improper motives to that gentleman, who from the first never attempted to deny having made these charges, nor ever disputed the particular words imputed to him. A Commission of Inquiry was ultimately granted—such Commission being constituted of two gentlemen who stood very high in their profession as men of great honour and learning. In the presence of that Commission, to the astonishment of all persons present, Captain Ball, in the frankest manner, completely withdrew the charges in the most ample and comprehensive manner. He had a legal adviser present of the name of Barry, who asked the following question: "Did you know, on the occasion referred to, what ques-

tions we were going to ask you?" To which he replied in the negative, saying that he had not the slightest idea of what they were to be. Captain Ball declared that he had not the slightest intention to impute the slightest partiality or corruption to the body of magistrates at large, or to any one of them in particular. Now, nothing could be more handsome, complete, and unreserved than the withdrawal of all those charges by Captain Ball. That gentleman admitted that he had committed an error of judgment, and frankly withdrew the offensive language he had used. Both the Commissioners, treating the charge as a grave one, expressed their satisfaction at the handsome conduct of Captain Ball in unreservedly withdrawing all his imputations. He (Lord Claud Hamilton), however, regretted to say that this withdrawal, however complete and unreserved, did not relieve the magistrates from the consequences that followed them. The wound was not cured by the withdrawal of the weapon that inflicted it—it still remained, and might prove even greater than the weapon which created it. There were two political parties in Dungannon, as there were generally in other Parliamentary boroughs; and though those charges were completely withdrawn, immediate steps were taken by one of those parties to make political capital out of them. A Mr. Hayden, a tradesman, who was the leading agitator on the side of the Liberal party in that town, immediately assembled his friends and told them that those charges afforded them a good opportunity to get up an agitation against the sitting Member, and called upon them to back up the statement made by Captain Ball. The memorial, although drawn up on Sunday, was anti-dated, and it was explained that it was done to make the memorial coincide with Captain Ball's statement. If it had stood alone the accused magistrates would not have asked for an inquiry; but the memorial was not got up as a real charge against the magistrates, but as a backing up of Captain Ball's paper. The inquiry having commenced it was necessary for the accused gentlemen to go into the several charges that had been made against them, and the principal charge was that the magistrates approved of, or if they did not approve of they did not disown, the objec-

tionable practice of "drumming parties" in the neighbourhood of Dungannon; whereas, on the contrary, witnesses were called who proved that for years past those gentlemen had used every means in their power to stop this objectionable practice. But they were powerless as the law now stood. There was so much difficulty to decide where illegality commenced, that it was almost impossible for the magistrates to put the law in force against these practices or even to check them. The magistrates had frequently called Captain Ball's attention to the state of the law, and they had made attempts to get an alteration of the law, but without effect. They had done all that lay in their power to prevent these demonstrations; but it was impossible for them to check them until the law was altered. Captain Ball had, on former occasions, stated that he considered the magistrates had power to interfere by proclamation; but when examined he stated that he did not know what means there were at his disposal by which he could suppress them. A case had recently occurred in Londonderry in which no less a person than the Deputy Inspector of Constabulary, a gentleman of great experience, had been fined £100 because he rashly acted upon a proclamation of magistrates. It appeared that in anticipation of some disturbance the magistrates of Derry issued a proclamation which the Deputy Inspector of Constabulary thought had the force of law, and for acting upon that opinion he was fined. The trial of the case excited great attention and lasted several days. The Lord Chief Justice who tried the case expressed his opinion that the proclamation had not the element of legality; that a proclamation signed by magistrates could make nothing illegal which was not so before; and that magistrates could no more make a thing illegal by proclamation than they could build a house by proclamation. The defect of the law was that if these drumming parties took place in districts where the people were all one way of thinking, no objection was made to them; but it was only where there was a difference of opinion that offence was given and all these troubles arose. It was a constructive illegality. It was not the way in which the offence was committed, but in the manner in which it was received by the people, and hence

Lord Claud Hamilton

the difficulty of drawing the line. It was, therefore, the bounden duty of the Government to amend the law. All these objectionable practices were dying out in 1864; but unluckily in that year the Government allowed an illegal monster meeting to take place in Dublin, under the excuse that it was in honour of the late Mr. O'Connell, when the law was violated in every respect except in the carrying of arms, but in reality its object was to show that the people were determined to march in large bodies with banners and emblems. So long as those illegal displays were permitted in the South of Ireland there would be counter displays in the North; but it was a most unfounded and unjust charge to make against the magistrates of Dungannon that they had in any way encouraged them in that district. A very gratifying feature of the case was that the evidence adduced to show how they had tried to put down those objectionable practices was, in a great proportion, given by Roman Catholics and Liberals who were opposed to them politically. These persons came forward to testify to the very high character of the magistrates and the zealous way in which they tried to put down those objectionable practices. For seven months and a-half they had been unable to obtain from the Government any intimation whether they considered the original charges had been proved or rebutted in the inquiry that took place before the Commissioners; but in justice to two of them who were mentioned by name in the memorial, it was right to say that the Commission had completely exonerated them. The charge against Mr. Lisle was that he had knowingly encouraged drumming parties by allowing them to assemble on his grounds, and that he had permitted bonfires on certain anniversaries; and so much reliance was placed on it, that the inquiry was twice adjourned for the production of a material witness named O'Neil. When he appeared and gave his evidence it turned out that what he referred to occurred 12 or 14 years since, and it was distinctly proved by a policeman that during Mr. Lisle's absence he took a drumming party through that gentleman's grounds to prevent a collision taking place in the town, and that with regard to the bonfire it was simply a few leaves and sticks which the gardener and Mr. Lisle's son had set on fire

to commemorate the latter's coming home for his holidays. The Commissioner in expressing his opinion said that until the case was explained he did not wonder that some prejudice had been entertained against Mr. Lisle; but that immediately it was explained it seemed to him the imputation had been completely swept away. There was not, he added, the shadow of a shade for the charge, and that the witness's statement was a misrepresentation. Although the Commissioners stated that they would be able to make their Report in the course of two months, as long a period as five-and-a-half months had been allowed to elapse, and the seven gentlemen, whose character as magistrates was immediately concerned, were utterly unable to elicit from the Government any information whatever with regard to the result of the inquiry. It was a remarkable circumstance that at the conclusion of the inquiry the assailant of these gentlemen, Captain Ball, was removed from the office he had held, which looked very much as if the Government disapproved of the course he had pursued in the matter. He maintained that the Government were guilty of no little neglect in withholding any communication which should at once officially and completely exonerate these accused magistrates from the charges that had been brought against them, especially after their assailant had been summarily removed from his office. He asked the House to consider the position in which a number of gentlemen were placed, against whom were advanced charges so serious that, if founded in fact, they would instantly unfit them to hold the position of magistrates. He could not form the least idea as to the case the Government proposed to make out, or as to the nature of any new charges which they might prefer; but of this he was quite sure—and he would state it publicly—that the gentlemen whom he had the honour to represent were prepared to meet any charges that might be directed against them. In conclusion, he must apologise for having detained the House at so great a length, and he trusted that it would accept as his excuse the grave importance of the case.

Motion made, and Question proposed,

"That there be laid before this House, Copies of the Report of the Commissioners appointed by the Lord Lieutenant to hold an inquiry into the

charges preferred against the Dungannon Bench of Magistrates, the inquiry having terminated on the 24th of August last:

And, of Correspondence that has passed between the Magistrates accused and the Government in reference to the charges made against them."—(Lord Claud Hamilton.)

THE MARQUESS OF HARTINGTON could have wished that the noble Lord had sacrificed a little more to brevity instead of putting his case in a speech of an hour and a-half before the House, for if he had done so he might have secured a better attendance on his own side than the half-dozen Members who had stayed to listen to him. He would refrain from following the noble Lord through the greater portion of his speech, and especially with regard to the case as affecting the magistrates themselves, which it was quite unnecessary to consider at present. He could not help thinking that the noble Lord's purpose would have been adequately answered had he put a Question to him on the subject, or asked the Librarian for a copy of the Report of the Commissioners, which was already on the Table, and which would be in the hands of hon. Members as soon as the arrangements of the House would admit. In that Report the noble Lord and the House would find stated, not at such length as the noble Lord had done, but more clearly and succinctly, the opinions of the Commissioners as to the conduct of the magistrates and the charges brought against them. He would ask hon. Members, therefore, to wait a little until the Report was in their hands. The only part of the noble Lord's speech as to which he thought it necessary to say anything was that in which the noble Lord imputed to the Government—first an indisposition to treat this matter with the serious attention it deserved; and, secondly, the delay, which he attributed to their fault. He entirely denied that there was any indisposition on the part of the Government to take the matter up. The noble Lord had spent much time in trying to prove that he (the Marquess of Hartington) was inclined from the very beginning to underrate the gravity of the allegations made against the gentlemen whom he was pleased to call his clients, and quoted an answer which he had given to the effect that the matters complained of were not charges by Captain Ball, but

merely statements. He did not intend to imply that the statements of Captain Ball did not contain grave imputations on the conduct of the magistrates. What he meant was that the charges had not been made by Captain Ball voluntarily, but in the course of inquiry upon his oath, and he drew the distinction between statements and charges in order to show that Captain Ball had not made any charges of his own accord. The noble Lord had said that there was great delay in having any inquiry at all. Now, speaking from memory, he could say that as far as the Lord Lieutenant and himself were concerned there was no unnecessary delay. As soon as it was determined that an inquiry should take place, no time was lost in appointing the Commission and giving instructions as to how it should act. The lapse between August and the present month certainly appeared long; but the noble Lord's surprise at this apparent delay would soon be diminished when he heard that the Report of the Commissioners was not received until the 28th of November. When the right hon. Member for Tyrone (Mr. Corry) wrote to him on the subject he was informed that the Commissioners had not received from the shorthand writer the transcript of the evidence which they had to read over. When the Report was printed it was sent, as was customary in such cases, to the Lord Chancellor for his consideration. The Lord Chancellor read not only the Report, but the whole of the evidence, which took up about 200 closely-printed pages, and when the noble Lord (Lord Claud Hamilton) reflected that the Lord Chancellor had some other things to do besides reading Reports of that description, he would not feel surprised to hear that the letter which the Lord Chancellor thought it his duty to write upon reading the evidence was not received until the 21st of January. Since that letter was received by the Lord Lieutenant copies of it were prepared to be sent to the several persons concerned, and in the course of a day or two would be despatched to the magistrates. He would remind the House that although it sounded extremely touching to hear from the noble Lord that seven honourable gentlemen had been kept waiting all this time for the decision of the Government upon their conduct, the practical grievance was not so very great.

As had been proved by the speech of the noble Lord himself, the evidence received by the Commissioners had been already made public, and also the general decision to which the Commissioners had come. The magistrates were therefore aware that the only charge of a serious nature preferred against them had been completely and at once withdrawn, and also that the Commissioners were of opinion that the other charges had not been substantiated. It could not be said, therefore, that the magistrates were all this time resting under any imputation whatever. If the formal opinion of the Government had not yet been communicated to them, they must have felt that, based as it would be on the Report of the Commissioners, it would not be such as in any way to affect their character or honour. The noble Lord stated that the magistrates had complained over and over again of the delay; but he was not aware that any such complaint had been made, or if made, it certainly had not been received by him. The only letter he had received on that point was from the right hon. Member for Tyrone (Mr. Corry), and that was answered immediately. The Report of the Commissioners contained matter of very great interest quite apart from those personal concerns, and would be well worthy perusal. He quite concurred with the noble Lord that the character of the magistrates could never be an object of indifference to that House.

MR. CORRY considered it quite unnecessary to add any observations to those which had been so fully made by his noble Friend (Lord Claud Hamilton) in reference to this transaction; but he could not help expressing the belief that the House was of opinion that the magistrates interested had been completely exonerated from the charges which were most unjustifiably brought against them by certain persons in the borough of Dungannon. It was, however, only fair to expect from the Government a declaration that no stain whatever rested upon their characters. If the Government had shown any unwillingness to exonerate the magistrates he would have joined his noble Friend in pressing for the production of the Papers. He was glad that his noble Friend had brought the case forward, because those gentlemen felt that they were labouring under a painful imputation. The magistrates

were engaged in preserving the public peace, and they knew that these unfortunate party demonstrations were the bane of the country. He was quite willing to accept the statement of the noble Marquess (the Marquess of Hartington) as a complete exoneration of those gentlemen in the opinion of the Government from the charges of partiality which had been brought against them.

COLONEL WILSON - PATTEN suggested that after the satisfactory exoneration of these gentlemen as conveyed in the explanation of the noble Lord the Chief Secretary for Ireland, his noble Friend (Lord Claud Hamilton) might withdraw this Motion from the Paper.

Motion, by leave, withdrawn.

POOR LAW (SCOTLAND) BILL.

LEAVE. FIRST READING.

MR. CRAUFURD, in moving for leave to bring in a Bill for the further amendment and better consolidation of the Laws relating to the relief of the Poor in Scotland, said: I do not think I need at the present stage enter into any statement with regard to the provisions of this Bill. I think it is desirable that I should postpone that until the second reading, and I will take care to give ample time for their consideration before asking the House to come to any decision. I shall content myself now with simply stating that the Bill will be framed on the basis of the recommendations contained in the Report presented to the House last Session by the Committee on the Scotch Poor Law, over which I had the honour to preside, and which sat for three years to inquire into the subject. The Bill will not go beyond those recommendations, and it is possible that it may not include the whole of them. This matter is one of great importance, and so much did I feel the gravity and importance of the introduction of such a measure that it was my earnest desire that my right hon. and learned Friend the Lord Advocate should undertake the task. I have conferred with him on the subject, and he seems to think that, on the whole, it is better that the matter should be left in the hands of the Chairman of the Committee. I have yielded to his suggestion; but I feel there are grave difficulties in the way. Among the recommendations in the Report there are demands for contribu-

tions from public funds on several grounds, and such matters would, I think, have been dealt with better by the Government than by a private Member. Besides, I should have preferred to submit for discussion in the House the recommendations with regard to the incidence of local taxation which were not approved by the majority of the Committee. If I bring in the Bill as Chairman of the Committee, I am bound to represent the Committee only in the recommendations which are submitted for the adoption of Parliament. Feeling this difficulty—feeling that by introducing the Bill myself, I should lose the opportunity of urging on the attention of the House a grave question which was submitted to the Committee upstairs—I should have been glad if the Bill had been brought in by Her Majesty's Government, and I myself had, like other hon. Members, been left free to raise any question that I pleased beyond those included in the recommendations of the Committee. But, on the whole, I feel that the matter is too important for delay, and that many of the recommendations of the Committee are of a very valuable nature, and if adopted would lead to considerable improvement in the law and its administration, and I have, therefore, yielded willingly to the Lord Advocate's wish that I should undertake the task of introducing the Bill. I hope that, as many of the recommendations were passed without any division in Committee, I may look for the support of the Lord Advocate and Her Majesty's Government in carrying forward what is, indeed, no light undertaking.

Motion agreed to.

Bill for the further amendment and better administration of the Laws relating to the relief of the Poor in Scotland, ordered to be brought in by MR. CRAUFURD, Sir ROBERT ANSTRUTHER, and MR. MILLER.

Bill presented, and read the first time. [Bill 35.]

WEST COAST OF AFRICA (DUTCH SETTLEMENTS.)—RESOLUTION.

MR. SINCLAIR AYTOUN, in rising to call attention to the acquisition by the British Government of Territory on the West Coast of Africa from the Kingdom of Holland, and to move—

"That, in the opinion of this House, no further steps ought to be taken towards the conclusion of a Treaty with the Government of Holland, having

Mr. Craufurd

for its object the extension of the British Colonial Territory on the West Coast of Africa, until this House shall have had an opportunity of expressing its opinion on the policy of such Treaty."

said, his information upon the subject of the Treaty was derived from a letter which had appeared in *The Times* a week ago from their correspondent at the Cape. The letter described the effect which had been produced upon the public mind in that country by the conclusion of a Treaty under which, in pursuance of advantages to be secured to Holland in another part of the world, and also of a certain money payment, all the possessions, rights, and obligations of the King of the Netherlands on the West Coast of Africa were to be ceded to the Government of this country. The population about to be transferred in that manner amounted to 120,000, and it was stated that of these a great number were extremely dissatisfied, and had sent an envoy to Holland to protest against the arrangement, which even in Holland itself had excited considerable indignation. He also objected to the Treaty, and he did so on two grounds. He objected to such an exercise of the Prerogative, without its being first submitted to Parliament; and he further objected to it as one that would be likely to prove injurious to the interests of the country. Treaties were negotiated without any reference to that House. The House was afterwards told that if they disapproved the Treaty they could object to it. Did that afford any appreciable guarantee that that House would be able to prevent such an exercise of the Prerogative as might be injurious to the interests of the country? He maintained that it afforded no guarantee whatever. The House had no means of arresting the action of the Government in these matters. After the Treaty was concluded, all that could be done was to pass a Vote of Censure on the Government, for if the House disapproved of the Treaty, that amounted to a censure on the Government, and the result would be either a change of Ministers or a General Election. That was a state of things which ought not to be allowed to continue. It must strike everyone that there were two powers in the country which could only be rendered compatible with one another by the establishment of a customary constitutional law. The Prerogative of the Crown extended to

the making of treaties and imposing on the country obligations and burdens, which, if there was no check on that Prerogative, would render the power of the House of Commons in imposing taxation on the country perfectly illusory. And the right of making treaties apart from the knowledge and interference of Parliament, would, of course, be as absolute in the hands of a Government not having a majority either in the House or the country, as of the strongest Government that ever existed. During the Session of 1866 the Prerogative of the Crown was made use of to grant what was called a "Supplemental Charter" to the Queen's University in Ireland. That was an illustration of the manner in which the Prerogative of the Crown might be used in opposition to the wishes of the House. It was the opinion of those well informed on the point, that if the question of the grant of the Charter had been raised in the early part of 1866, the Government would have been defeated, but at the end of that Session, just about the time they left office, the Government granted this Supplemental Charter. He would just give an instance of a case in which a Treaty was submitted to the consideration of the House, and which he thought afforded a precedent which might be adopted in the case of all other treaties. He referred to the Commercial Treaty of 1860. In the Speech from the Throne at the commencement of that Session, reference was made to negotiations then being carried on for the purpose of concluding a Commercial Treaty. In answer to some Question from the right hon. Member for Buckinghamshire (Mr. Disraeli), Lord Palmerston said that, when ratified, the Convention would be laid before the House, but he would say then, as to what would be the function of the House of Commons with regard to that Convention, that the arrangements stipulated were made conditional to the assent of both Houses of Parliament. That appeared to him (Mr. Aytoun) to afford a precedent which ought to be strictly followed in the case of every treaty to which this country agreed. It might be said that as this Treaty dealt with customs duties, it was necessary to lay it before Parliament. But in treaties affecting territory, although they did not deal in express terms with questions of Revenue, still

they placed that House under the necessity of providing money for the completion of the treaties, and, therefore, he saw no reason why treaties or guarantees should not be laid before Parliament, as well as the Commercial Treaty of 1860. He understood that the sum of £24,060 was to be paid by this country as a part of the consideration for which the Government of Holland ceded their territory to this country. Perhaps some Member of the Government would kindly inform the House where this money was to come from. He had always imagined that no principle was better recognized than this—that the extent of their possessions, especially those in unhealthy and tropical countries, was a source of weakness, and that it was the interest of the country to diminish rather than extend the area of such possessions. The West Coast of Africa was unhealthy, and there was an immense country lying at the back of that colony, which afforded all kinds of facilities for a muddling Government to involve them in little wars. In 1865 a very important Committee sat and took evidence on the subject of their West Indian Colonies, and that Committee—comprising four Members of the late Conservative Government and four Members of the present Liberal Government, three of them being Cabinet Ministers—arrived at the conclusion that all further extensions of territory, or assumptions of government, or new treaties affecting any protection of Native tribes, would be inexpedient, and that the object of their policy should be to encourage in the Natives the exercise of those qualities which might render it possible for them more and more to transfer to them the duties of government, with a view to their ultimate withdrawal from all those settlements, except, perhaps, Sierra Leone. But, instead of following up that policy of gradual withdrawal, instead of setting their faces against all meddling with the Natives, the Government were actually making a Treaty with the Dutch, by which their territories would be extended, their responsibilities increased, together with the pecuniary burdens on the people of the country. For those reasons, he trusted that the House would accept the Resolution of which he had given Notice, and which he now had the honour to present for their consideration.

MR. OSBORNE, in seconding the Motion of his hon. Friend the Member for Kirkcaldy (Mr. Aytoun), expressed his regret that it had been necessary to bring it on at an hour (a quarter to 8 o'clock) when the House was necessarily thin. It was not necessary to go into the general question of treaties now, because the hon. Member for Warrington (Mr. Rylands) had given Notice of a Motion on that subject. There were, however, some points appertaining to the Treaty which he hoped the Government would be able satisfactorily to dispose of. It was asserted that the people of the Dutch Settlement of Elmina were favourable to the transfer; but if he was rightly informed, so little did they approve it, that they were preparing to resist the transfer; while the Dutch Government had made application to Her Majesty's Government for two or three ships of war with a force of troops on board to assist in handing over these people of Elmina to us. He hoped that a specific answer would be given to that allegation, not only for the sake of this country, but for the sake of the Gentleman—once occupying a very distinguished position in that House—who had been transferred from the government of the Bahamas to the Governorship of what he could not help thinking would prove the *damnosa hereditas* of those Dutch colonies. Everything which could be effected by excellent conduct and wise resolutions would be accomplished, no doubt, by Mr. Pope Hennessy; but for Mr. Hennessy's own sake he (Mr. Osborne) was very sorry that he had been put into that position. The House ought to be distinctly informed how far the people themselves were favourable to the transfer, for, as far as was yet known, the people of Elmina had never been consulted. The Dutch, no doubt, were very anxious to get rid of them, but the people of Elmina seemed to be inclined to "Home Rule"—a principle which was apparently growing into fashion. It would be an awkward thing for the House to accept a Treaty, without receiving some distinct assurance from the Government that the application for ships of war and troops, if made, would not be complied with; and he sincerely trusted that the present system of making treaties, such as it was, would be no longer persevered in.

Motion made, and Question proposed,

"That, in the opinion of this House, no further steps ought to be taken towards the conclusion of a Treaty with the Government of Holland, having for its object the extension of the British Colonial Territory on the West Coast of Africa, until this House shall have had an opportunity of expressing its opinion on the policy of such Treaty."—(Mr. Sinclair Aytoun.)

MR. R. N. FOWLER, while observing that their connection with the Coast of Africa, though costly, was one of great honour to the country, expressed an opinion that the Treaty, inasmuch as we had maintained those colonies in order to suppress the slave trade which had been so much condemned, would be productive of great good. England entered on the Coast of West Africa to put an end to the slave trade, and for the advantage of the African race. Difficulties had been met with owing to the prevalence of rival jurisdictions; and it would be much better for the interests and increase of African civilization that there should be only one European power communicating with the Native tribes. The hon. Member for Kirkcaldy (Mr. Aytoun) had said much on the subject of Prerogative. That was a wide question, and one into which he (Mr. Fowler) did not intend to follow him. It was one that would be much better debated on the general Motion on the subject which was to be brought forward by the hon. Member for Warrington (Mr. Rylands). The hon. Member for Kirkcaldy also complained of the £21,000 to be paid by us for the acquisition of the territory; but, considering the sacrifices which England had made for the civilization of the African race, if the result of the negotiation should place England in a better position to promote that civilization, he thought she would not begrudge the small sum of £24,000. For his part, he was glad that the Government had entered into the Treaty; and he trusted that the result would be beneficial to the civilization of Africa. We had contracted duties towards the Native population in that quarter of the world, and to retire from our Colonies there would have a most injurious effect upon them.

MR. KNATCHBULL-HUGESSEN said, it would be evident that two questions were involved in the Motion of the hon. Member for Kirkcaldy (Mr. Aytoun)—the first having reference to the policy of this particular Treaty, and

the second to the system pursued by this country with regard to its treaties generally. As to the larger question, as a Notice had been given which could not fail to give rise to very full discussion, it would be most inconvenient, and injurious to the full discussion which was pending, to raise the broad issue now by a sidewind, and therefore it would be beyond his province to enter upon it. In this particular case the usual practice of the country had been strictly adhered to, and the Treaty would be laid upon the Table of the House so that it could be discussed at some future time upon its own merits. As to the policy of that particular Treaty, he had in the interests of the House itself a complaint to make against the hon. Gentleman who had brought the subject forward. He had warned that hon. Gentleman that the Papers on the subject would be delivered to hon. Members shortly, and he had suggested that it would be better to postpone a discussion until the Papers were produced; but the hon. Gentleman had chosen to take a different course, and in consequence he had fallen into one or two errors which he might have escaped from if he had only been a little more patient. The hon. Gentleman had spoken of a dangerous and mischievous interference with the affairs of the natives; but this was not a right or just application of phrases as to our connection with the native tribes on the West Coast of Africa. There was no acquisition of territory involved in the present Treaty at all in the sense understood by the hon. Gentleman. The possessions of Great Britain on the West Coast of Africa consisted of certain forts and settlements, and a voluntary protectorate exercised over a considerable number of native tribes. That protectorate was not very clearly defined. It appeared, from the only written document on the subject, that some native tribes agreed in times past to give up human sacrifice and various other degrading habits, and to allow cases of murder to be tried by British officials; and in return they were to be placed under the moral protection of this country — the object in view being to put a stop to frequent wars, and to promote civilization and Christianity. The original object of our settlement on the Coast was to carry on the slave trade; but that policy was hap-

pily reversed, a more enlightened policy took its place, and we held the settlements for the purpose of putting down the slave trade, for the improvement of the condition of the native tribes, and the general development of the country. If Great Britain were now to withdraw, the probability would be that the most disastrous results would ensue — the slave trade would be renewed, and wars and bloodshed would succeed to peace and the spread of civilization. That was the view taken by Sir Arthur Kennedy, the very highest authority upon the subject, who had done so much for Western Africa. The arrangements between the Dutch and ourselves had been these — In 1867, a wise determination was come to, to make an exchange between the Dutch and English settlements, so that the settlements of the two nations could be more consolidated, the Dutch acquiring all the settlements on the west of the River Sweet, and the English on the east as far as the Volta. But while the natives transferred to the British flag came readily into the arrangement, those who were transferred to the Dutch flag did not, and large tribes of natives who had before been content to traffic under the English flag refused to submit to Dutch authority, whence arose considerable misunderstanding, and a state of warfare between the Dutch and the native tribes, on whose part a truce was now in existence only through the moral influence of British officials, and which would undoubtedly be broken if the present negotiations should unhappily fail. The alteration now proposed, however, was likely to have the most beneficial result; but there was no intention of forcing our protectorate on any tribe whatever. The Dutch were about to leave the coast, and they would cede to us certain forts — for, in the interests of civilization, and of humanity, and of Christianity, they would rather leave the forts to a great civilized European Power than leave them to be fought for by the various tribes. At the same time, it was our hope that these tribes, hitherto occupied in fighting among themselves, would all come under our flag, which would give a better prospect of peace than having a divided authority, or leaving the unfortunate people to fight it out amongst them. The hon. Gentleman had read one of the Resolutions of the Select Committee of 1865; but he had

omitted to read the following which they also agreed to :—

"The policy of non-extension admits of no exception as regards new settlements, but cannot amount to an absolute prohibition of measures which, in peculiar cases, may be necessary for the more efficient and economic administration of the settlements we already possess."

The acquisition of these forts was precisely analogous to the case contemplated by these words, for we required them to make our administration more efficient and complete. The harbour was the only one between Sierra Leone and Fernando Po at which it was possible to coal without re-shipment. By the concentration of our establishments, it was estimated that we should gain £10,000 a-year. The £24,000 was to be paid exclusively for the fixtures and stores in the fort, which we could not expect the Dutch to leave without being paid for them. It was the intention of the Government not to employ any force; rather than do so they would decline to take the place at all. They believed that any dissatisfaction with the transfer, if it ever existed, had been removed, so far as regarded the small tribe of 14,000 or 15,000 living near Elmina, which alone had exhibited any signs of discontent. There were other adjacent small tribes; and beyond all were the Ashantees. Our presence had already moderated strife, and it was necessary to the peaceable government of the country. The propriety of our giving up certain portions of our territory on the West Coast of Africa had been already discussed, and the feeling of the House was against our abandoning any of our possessions there. The time might come when some of them should be given up; if we looked only at the question of expense, it might have arrived already; but the country did not wish us to leave those settlements until they were fit for self-government, and we should do wrong if we did not avail ourselves of an opportunity to concentrate our possessions. We had created a growing trade; and there were English and Dutch merchants connected with Elmina who were prepared to do more than ever to develop its commerce if it came under the British flag. There was to be no territorial cession except the ground on which the forts stood, and the cession would give us no protectorate over anyone; but it was probable that our presence would

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exercise a moral influence which would prevent bloodshed and wars, and promote peaceful pursuits. Not a sixpence of the £24,000 to be paid would come from this country; but the transfer would be paid for by the Gold Coast Colony, the resources of which exhibited great development. In 1864, the revenue of the colony was £4,000, and its expenditure £9,400. In 1868, including a Parliamentary grant of £2,392, the revenue was £15,404, and the expenditure £11,651. In 1869, the revenue was £24,127, and the expenditure £18,836. In 1870, the revenue was £30,851, and the expenditure £35,609; but this revenue included a special grant of £11,000 towards paying off the debt. The estimated revenue of the present year, without a Parliamentary grant, which had ceased entirely, was £27,000; the expenditure was estimated at £16,845; and the balance in the chest on the 31st of March was £12,421. While, then, this was the pecuniary aspect of the question, it must be borne in mind that Great Britain had contracted moral obligations towards the people of the West Coast of Africa, from which, he believed, public opinion in this country did not wish her to recede. She had put down the slave trade and the inhuman practice of sacrificing human life; she had extended civilization and Christianity amongst the native tribes, and her good hand ought not now to be stopped in this great work. He thought he had shown that the Motion of the hon. Gentleman was one which it would not be advisable to press.

MR. RYLANDS suggested that, after the statement they had just received from the hon. Gentleman the Under Secretary for the Colonies, the hon. Member for Kirkealdy (Mr. Aytoun) should withdraw his Motion. He should regard any such arrangement as that made in this case with great jealousy; but, at the same time, he believed that when the Papers were before the House good reason would be found in them for the interference of Her Majesty's Government.

SIR JAMES ELPHINSTONE said, he most decidedly objected not to their acquiring, but to their abandoning territory; and wished to know what were the Treaty rights which they were to surrender in Sumatra in exchange for the advantages which they were to gain

on the coast of Africa? Some years ago they had a settlement called Bencoolen, on the West Coast of Sumatra, one of the most magnificent islands in the world, though cannibalism prevailed in the interior, and afterwards that was given up to the Dutch; but still they retained certain rights with regard to the trade of Sumatra, and he wished to know what rights in Sumatra they were now going to relinquish? He also wished to suggest, if they were going to follow up the practice of extirpating the African slave trade, whether it would not be as well for them to increase their possessions on the East as well as on the West Coast of Africa, by making a lodgment at Zanzibar, which was far more healthy than the place under notice, and thus strike at the very root of that degrading traffic?

MR. KNATCHBULL-HUGESSEN replied that the only right possessed by this country was to protest against the Dutch acquiring any more territory in Sumatra. They had, however, acquired more territory, and England had done nothing more than to protest. She had now abandoned her right to protest, leaving the Dutch to acquire territory without any hindrance; and we had gained in return this advantage—that with regard to all territory acquired, and to be acquired, English traders were to be placed on the same footing as the Dutch.

MR. SINCLAIR AYTOUN said, he would accede to the suggestion made by the hon. Member for Warrington (Mr. Rylands).

Motion, by leave, withdrawn.

GAME LAWS BILL.

LEAVE. FIRST READING.

MR. WHITE said, he rose, at the request of his hon. Friend the Member for Leicester (Mr. P. A. Taylor), to move for leave to bring in a Bill for the abolition of the Corn Laws—[Laughter]—he begged pardon—the Game Laws. He was thinking of the question which had given him his first acquaintance with political life.

MR. HERMON asked the hon. Member for Brighton to postpone his Motion, as the hon. Baronet the Member for Essex (Sir Henry Selwin-Ibbetson) had a Bill on the Table on the same subject.

MR. SPEAKER said, that it was usual to allow a Member to bring in a Bill for another Member when there was no opposition, but not when opposition was expected.

MR. WHITE said, he was willing, under such circumstances, to withdraw his Motion.

MR. HERMON said, he would withdraw his opposition.

Motion agreed to.

On Motion of MR. TAYLOR, Bill for the abolition of the Game Laws, ordered to be brought in by MR. TAYLOR, MR. DICKINSON, MR. JACOB BRIGHT, MR. M'COMIE, and MR. JAMES WHITE. Bill presented, and read the first time. [Bill 36.]

CONTAGIOUS DISEASES BILL.

LEAVE. FIRST READING.

MR. BRUCE, in moving for leave to bring in a Bill for the Prevention of certain Contagious Diseases, and for the better protection of Women, said, he rose in pursuance of the pledge given towards the end of last Session by Her Majesty's Government, to explain to the House what had been the result of the consideration they had given to the Report of the Commission appointed to inquire into the Contagious Diseases Act, and to propose a measure which seemed to them suited to meet the evils complained of. He need hardly say that the Government had entered on the subject with great anxiety. They were sensible of the serious responsibility which they incurred: whether, on the one hand, they opposed the wishes of a very large portion of the population, who, however unreasonable their opposition might have been, were backed by many persons of calm and serious habits of thought; or whether they proposed the repeal of the Acts, supported as they had been by far the largest part of the medical, naval, and military profession, as well as by a large part of the population—whatever part they took no doubt the Government felt they incurred a very serious responsibility. He thought he should facilitate explanation of the measure he proposed, if he took a short and rapid survey of the course of legislation on the subject. It was in 1864 that, for the first time, the Government, actuated by a desire to improve the efficiency of the naval and military forces, by removing one great source of disease and weakness, introduced a Bill which

had for its object the prevention of contagious diseases in certain naval and military stations. The Act was confined in its operation to eleven naval and military stations. Its main provision was, that on a declaration, not necessarily an oath, to the effect that a woman who was a common prostitute and suffering from contagious disease had been within 14 days within the limits of the district constituted by the Act for the purposes of prostitution, she should be examined, and might be detained three months in a certified hospital. The Act passed in July, 1864. In October the same year the two great military Departments appointed a committee of medical men to inquire into the best means of diminishing the effects of disease in the Navy and Army. In consequence of their Report the Act of 1866 was introduced, which was based on the principle that compulsory examination should be applied to all persons who were living the lives of prostitutes. In 1868 a Committee of the Lords again inquired into the subject, and examined a vast number of medical and other witnesses. Their Report recommended that power should be given by Order in Council to apply the Act of 1866, first to all naval and military stations, and secondly to any locality the inhabitants of which should apply for it, provided there was adequate hospital accommodation, with due provision for moral and religious instruction, and a sufficient police force to carry out the provisions of the Act. In consequence of that Report it fell to his lot to move in that House a Select Committee to inquire into the operation of the Act of 1866, and in consequence of the Report of that Select Committee the Act of 1869 was introduced, which extended to further military stations the operations of the Act of 1866, but did not provide, as recommended by the Committee of the House of Lords, its extension to the civil population. There was no doubt that the proposed extension of the Acts to the civil population led to the agitation which, from that time almost to the present, raged throughout the length and breadth of the land. An association was formed, promoted by medical men, and having many branches all over the country, for the purpose of advocating the extension of these Acts to the civil districts of the country. Then the oppo-

sition arose, founded first of all on the opinion that these Acts invaded private liberty; secondly, because they appeared to give legal sanction to prostitution; thirdly, because they tended to promote immorality among men; and lastly, because they had a tendency still further to harden and degrade fallen women themselves. There was no doubt but that these objections elicited the sympathies of large numbers of persons of serious and thoughtful habits, but it was equally certain that many who opposed the Acts dealt in exaggerations and appeals which were calculated to give a false impression as to the manner in which the law was carried out. Statements were made on the authority of persons entitled to little belief, impugning the conduct of those who were charged with the administration of the Acts, and he would appeal to anyone who had read those wild and random charges, and who knew the readiness with which they were received, as to whether he was going beyond the truth in saying that the agitation was due mainly to a monstrous system of perversion and exaggeration; whilst on the other hand no one who knew the facts of the case but would bear him out in saying that the Acts had worked in a most satisfactory manner. It was owing in a great degree, therefore, to that monstrous system of exaggeration and perversion which had prevailed, that popular indignation had been excited against these Acts. However, there could be no question whatever that the public mind had been very deeply moved, and the Government were anxious, on the one hand, not lightly to abandon a course of legislation which, in their opinion, was working very considerable good, and, on the other, that proper inquiry should be made into their operation. They therefore appointed a Commission in 1870, which reported towards the middle of the year 1871. It recommended, by a large majority, first of all, the repeal of the clauses which authorized the periodical examination of women; secondly, it recommended the re-enactment of the Act of 1864 which had been repealed, because its operations were extended by the Acts of 1866 and 1869; but such re-enactment would have returned to the principle of compulsory examination, which the Committee had already decided against; it also recom-

mended that other legislation should be passed—in fact, that the whole of this legislation should be such as might be rendered available by the civil districts throughout the country as well as the naval and military stations. A minority of 7, however, were in favour of preserving in its entirety the principle of examination, and not only of maintaining the Acts, but while amending them in some particulars, of gradually and cautiously extending the operation of the law throughout the country. This minority of 7, at the head of whom was the right hon. Baronet the Member for Droitwich (Sir John Pakington) objected to the Report because they agreed with the medical profession that periodical examination was necessary, and that the Act of 1864 was more beneficial than the Acts of 1866 and 1869. He would say a few words as to the results. The Commissioners were called on to report not only on the physical results, but also on what appeared to them to be the moral effects of the Acts. On both points there had been, and still was, considerable difference of opinion. Not denying that there did exist grave objections to the Acts, some occasional incentives to immorality, and that the system of examination might have a hardening influence on women, he might say that the conclusion he arrived at was, that the effect in preventing women from entering on a life of prostitution was so great that the moral good prevailed over the moral evil. When he stated that as his own opinion, he must admit that many persons for whose opinion he had the greatest possible respect entertained a different opinion. Their objections to the Acts were not to be overcome by any advantages which might be pointed out as resulting from them, because they thought them morally wrong. But while there existed in the Commission itself, in the House, and throughout the country, that difference of opinion as to the moral effects of these Acts, he did not understand that there could be any difference of opinion as to the physical advantages they had produced. The evidence both of military and naval medical men was, he thought, conclusive. Since the Acts had been in operation, there had been among their soldiers and sailors a very great and remarkable diminution of disease. The evidence was equally clear that the effect had been greatly to reduce the amount

of prostitution; and one of the best, if not the very best, effects of the measure had been to almost entirely put a stop to that most horrible form of vice—juvenile prostitution. In Plymouth and Portsmouth, where a large number of poor children, from one cause or another, had been led into this miserable life, juvenile prostitution had entirely disappeared. In Portsmouth, where last year there had been upwards of 200 juvenile prostitutes, none were now to be found. A great effect had also been produced on public order throughout these districts. The scenes described in some of these seaport towns had been of the most disgraceful character; there was now a marked improvement; order and decency prevailed where there had been nothing but disorder. These facts were present to the mind of everyone, but, notwithstanding, the Commissioners recommended "that exclusive legislation for the purpose of preserving the health of our soldiers and sailors among a civil population was not desirable, and whatever regulations were made should be equally applicable to the whole country." After giving the subject the most attentive consideration the Government had arrived at the same conclusion. They thought it impossible to maintain in certain limited districts and with a large civil population, a system of law that was incapable of extension to other parts of the country. The Government were of opinion that the system of compulsory and periodical examination could not be made the basis of general legislation. He would now refer to the part taken by successive Governments in the matter. It was said over and over again that these Acts had been carried by surprise; but that affirmation was totally unfounded, and it was not the fault of the Government or of Parliament that these measures were not fully discussed. The subject was not of a character to invite discussion, and did not class itself among those more inviting subjects which occupied the minds of those who took an interest in deliberating upon public questions, and the consequence was that this important and struegent legislation passed through the House almost without notice, and without that salutary and beneficial purification which discussion and opposition supplied. That was a great misfortune, for they were most stringent Acts, introducing novel

principles, and they were introduced among a population utterly unprepared for their reception. That was the secret of the opposition they had met with. But although the Government were of opinion that the principle of these Acts could not be maintained in exceptional districts, they were of opinion that very much might be done towards the preservation of public decency and order, and for the protection of female innocence. The best results obtained by the operation of these Acts had been that they had cleared the streets of the more hardened and degraded women, and that they had, to a great extent, if not entirely, prevented the degradation of young children. With regard to the former class they did not come within the Vagrant Act, unless they behaved in a riotous and indecent manner; but the provisions of the Police Clauses Act in towns and the Metropolitan Police Act went somewhat further, because they authorized the punishment of those who importuned passers-by, provided it was such as to cause annoyance. Many magistrates held that unless the annoyance were proved by those who had been importuned, they were not justified in convicting; and owing to the reluctance of many persons to give evidence in such cases, that law in many instances became a dead letter. The Vagrant Act had also been interpreted in very different ways. In Liverpool lately it had been applied for the first time with very great vigour, and the result was of a very striking kind. He had before him a report recently issued by a committee of magistrates of the borough of Liverpool, which stated the steps they had taken to put down the more scandalous exhibitions of this kind. It was stated that the number of women convicted under the Vagrant Act up to 1870 varied from 65 to a maximum of 500; in 1871, however, the magistrates, acting on the direction of the stipendiary magistrate, Mr. Raffles, determined that the act of solicitation was in itself an act which justified the punishment of the offender, and the result was, that the number of women so charged amounted to no less than 3,388, and the change that had taken place in the appearance of the streets was very remarkable. It was proposed to enact by the Bill that any common prostitute who in any public street solicited or importuned persons

should be held to be an offender under the Act. The Vagrant Act for that purpose would be extended to Scotland and Ireland. For the first offence, a person convicted under that Act would be held to be a disorderly person, subject to three months' imprisonment; for the second offence, he was considered to be a rogue and vagabond, and was liable to six months' imprisonment; and for the third, he was held to be an incorrigible rogue, and was liable to be committed to the quarter sessions and to be sentenced to 12 months' imprisonment. In the opinion of the Liverpool magistrates the power of committal for a longer period would be useful, as helping to break off the habits which had been formed. The next provision of the Bill was borrowed from a recent clause in the later Poor Law Acts, which enabled the guardians when any paupers within the workhouse were discovered to be labouring under contagious diseases, to detain them until they were cured, and if they escaped they were subject to be taken up and imprisoned again. The Bill proposed to apply the same rule to women of the class referred to when committed to gaol. All such women committed under the Vagrant Act, or generally as disorderly persons, would, if found to be suffering under contagious disease, be liable to be detained in the prison infirmary or in some certified hospital until they were cured, or for a maximum period of nine months. No compulsory examination would in that case be necessary. Besides those who were committed to prison summarily as disorderly women there was a considerable number of women committed to prison for other offences, where the evidence showed that they were leading an immoral life. It was, therefore, proposed that the committing magistrate, in all summary cases where he was satisfied a woman was leading a disorderly life, should certify the fact, and in the event of the prisoner being found to be suffering from contagious disease she would be detained in the same way as the class of prisoners last described. He was not certain that it might not be expedient to extend these provisions still further, and to put prisoners sent to gaol for offences of any kind in the same position with respect to contagious diseases as paupers in workhouses. It was, however, better to proceed cautiously. There were special

reasons why women of the class in question should not be permitted to return to their miserable calling while suffering from contagious disease, and, therefore, he limited his proposal to these two classes of cases. The prison surgeon would report the existence of disease, and the report would be sent by the gaoler to the justice, who would make an order for the detention of the patient. The woman thus detained in prison after the term of her sentence might by order of the justices be removed to a certified hospital, but if not sooner cured her detention would not exceed nine months. As an additional precaution, the chief medical officer of the prison infirmary or certified hospital would be required each month to transmit a certificate that further detention was necessary. The justice, however, would have the power of discharging a woman either from the prison infirmary or the certified hospital, although not cured, if he were satisfied she intended to abandon her former life. The expense of sending the woman from the prison to the infirmary, and from the infirmary to the hospital, and from the hospital to her home, would be borne by the prison authorities. He now came to that portion of the Bill specially devoted to the protection of women, the provisions dealing with which could be very briefly stated. The existing law made punishable with penal servitude for life offences of a certain description upon children under 10 years of age, and he proposed to extend the age from 10 to 12. The same offence committed upon a child between 10 and 12 was at present a misdemeanour punishable with penal servitude for 10 years, and he proposed to extend that protection to children under 14. At present the obtaining possession of a girl under 21 by false pretences or representations was a misdemeanour punishable by imprisonment for two years. He knew no reason for limiting these cases to women under 21, and he proposed that the punishment should equally apply when the offence was committed against women of any age. With regard to disorderly houses, the law at present was, that if the landlord of a disorderly house allowed women whom he had cause to believe diseased to frequent his house he was guilty of misdemeanour, and liable to a fine of £20 or six months' imprisonment. The recommendation of the Commissioners,

which he had adopted, was that whenever a woman was found in a disorderly house, the landlord, whether he knew it or not, should be liable to the same punishment. After referring to the number of children of tender years who in certain districts became the victims of an immoral traffic which he could only describe as the slave trade, he requested the support of the House in proposing measures of the utmost severity against those who harboured these children. He proposed that the harbouring of children under 16 should be declared a misdemeanour punishable summarily before a magistrate by six months' imprisonment, or, upon indictment, with two years' imprisonment, in each case with or without hard labour at the discretion of the Judge. He also proposed that the parochial authorities should be enabled to prosecute the keepers of disorderly houses without its being necessary that they should first be called upon to act by two ratepayers. He also proposed to make the landlord of a disorderly house liable if he knew it to be kept as such, although he might not be resident in it, and although he might take no part in the management. He proposed further to give the landlord power summarily to determine the tenancy of a disorderly house, whatever the terms of the lease might be. The last provision of the Bill referred to common lodging-houses, the keepers of which would be deprived of their licences and subjected to punishment if they knowingly permitted them to be frequented by persons of immoral life. The greater part of these provisions were founded upon the recommendations of the Commissioners, and some had been suggested by an examination of the general law. He was not without hope that the effect of this stringent legislation might be to prevent the corruption of young persons, and at the same time to provide guarantees which did not now exist for public order. It might be asked why he did not extend this legislation to the whole country without interfering with the operation of Acts which were admitted to be doing much good. His answer was, that it was impossible to maintain laws which had not the sanction of public opinion. There was no wiser maxim than that of Burke—that legislation should not force, but should follow public opinion. At

present public opinion had been rather forced than followed in this legislation. For his own part, he held that there could be hardly anything more mischievous than the continued agitation upon this subject. He passed no reflection upon anyone, but any good which might have been produced by these Acts could hardly counterbalance the demoralization and mischief which had been caused by the agitation against these Acts. The Government had seen with grief and sorrow how much the reserve and delicacy for which the women of our population were so distinguished had been broken through by these discussions, and a continuation of this agitation could not but produce the most disastrous results. If these evils were to be cured or greatly diminished, it could only be done by voluntary agency—by the active efforts and zeal of benevolent persons. These efforts, however, there could be no question, would be chilled and repressed so long as Acts of Parliament existed from which the public conscience revolted. These were the proposals of the Government. He confessed that for himself he had arrived at these conclusions with great reluctance; but he believed that if these Acts were passed they would form the basis of useful experience, and that if in the proposed Bill the meshes were made somewhat larger, the net itself would have a wider sweep. Nobody could for a moment suppose that if legislation such as was adopted in 1866 and 1869 were proposed at the present time, it would be accepted without objection in Parliament; and that being the case, and there also now being much, though unreasonable, opposition on the part of many good and excellent persons to legislation which then passed, it would not be wise to agitate the country by proposing similar enactments. It was now proposed to lay such a basis of legislation as would obtain the support of the country; and then, as they gained experience, they might make a strong endeavour to enlist a united action for the purpose of diminishing the evils of which they were all sensible. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

Mr. JACOB BRIGHT said, that the right hon. Gentleman the Secretary of State for the Home Department ought to be the object of the sympathy of the

Mr. Bruce

House, because it was his cruel fate to propose the repeal of Acts which he believed to have been highly successful. Fortunately for the British public the Commissioners appointed to investigate the matter did not agree with the right hon. Gentleman, for they recommended the repeal of the Acts of 1866 and 1869, and although the Report recommended the continuance of the Act of 1864, yet the majority of the Commissioners dissented from what he (Mr. Bright) considered an infamous Act. The right hon. Gentleman said the great balance of medical testimony was in favour of the present Acts. He did not know on what authority the right hon. Gentleman made that statement. There was a memorial of some medical men of London, who moved in high society, and were a class not the most likely to be consulted as to what was the best legislation for the poor people of this country. The hon. Member for Liverpool had presented a Petition, signed by 107 medical men of that town, against these Acts; and he had in his hand a protest against the Acts, signed by 572 medical men of great respectability in their profession. The right hon. Gentleman commenced his speech by attacking those who advocated the repeal of the legislation referred to, by remarking that they had been guilty of great misrepresentation and exaggeration; but had its defenders not been guilty of exaggeration and misrepresentation also? There had been ridiculous stories from Devonport and other places, and the hon. Member for Edinburgh (Mr. McLaren) had on a former occasion shown that the official statistics were erroneous. The right hon. Gentleman also spoke of the altered character of certain towns through the operation of the Acts, and of the diminution which had occurred in the number of young prostitutes; but were there no other means to effect those objects other than by legislation which caused great scandal? Though the right hon. Gentleman expressed an opinion that the time would come when public opinion would support that legislation, it was to be hoped that the time would never come when the women of England would submit to legislation of so degrading a character, which could only be passed by a Parliament in which women had no representation. He (Mr. Jacob Bright) admitted that the repeal of the existing Acts

would be a considerable gain, although a highly penal Act was to be substituted for them fraught with great injustice and inequality. There were provisions in reference to the behaviour of persons in the streets; but these provisions were to apply only to women, though it was well known that men also were guilty. The same observation applied likewise to diseased vagrants and paupers, and the power to detain them. That would apply to women only, whilst the men would not be interfered with. Although he thanked the right hon. Gentleman for proposing to alter the existing legislation, yet he could not conceal from himself that there would be considerable opposition to the present measure, owing to its one-sided character.

MR. D. DALRYMPLE observed that he had not expected to hear that no laws of any kind ought to be enacted to lessen a crying evil, lest they might infringe the liberty of those who practised it. He thought there was a defect in the proposed Bill, if it was intended that a diseased vagrant committed to prison should be liberated on giving evidence of an intention to relinquish her immoral life; and, in a sanitary point of view, he should protest against the liberation from prison or hospital of a person notoriously diseased. One strong fact, which was proved before the Committee of 1869, was, that when a ship came into harbour to be paid off, scores of half-cured women at once left the hospital. The hon. Member who had spoken last (Mr. Jacob Bright) talked of the unfair difference which was made between the two sexes; but the parallel could scarcely be called a just one, until it was shown that men in the state to which he was referring were found plying for hire at the corners of the streets.

DR. BREWER said, there was no denying that the Acts which it was proposed to repeal had been productive of the most beneficial results in checking the spread of a disease which, from time to time, had well nigh decimated the population. Indeed, the united efforts of the various religious societies throughout the country had not done so much good in that direction in ten years as had been effected by those Acts during the three years they had been in operation. In the borough he had the honour to represent, the only complaint which had been made was that a sufficient

opening was not afforded to those who were most anxious to return to profitable labour; and he must express his extreme regret that anything in the Bill under discussion should tend to a relaxation of the force of previous legislation, although in those provisions of it which would protect children against leading a life of prostitution he entirely concurred.

MR. MITFORD said, that he looked with dread at the prospect of doing away with the wholesome legislation of recent years. Though he could not say that he perfectly understood the nature of the proposals of the right hon. Gentleman the Secretary of State for the Home Department, it was the earnest desire of himself and of those with whom he had been acting, that the Act of the present Session should be final—whether it was a satisfactory one or not. They intended to do their best to make it as satisfactory as possible; but be it what it might, it would be best that its effect should be ascertained by the experience of some years, rather than that this painful subject should still be kept as a subject of undesirable controversy before the public.

SIR JOHN PAKINGTON, having taken an active part on the Commission which sat on the subject, said, he could not help adverting to the impression which had been made on his mind by the evidence which had been given before it. He must do justice to the candour of his right hon. Friend's (Mr. Bruce's) speech, but he could not help, at the same time, sharing in the sympathy which was felt by the hon. Member for Manchester (Mr. Jacob Bright) for the position of a Minister whose opinions lay one way, while the legislation which he proposed went another. The course adopted by the Government on a subject very painful in its details, but deeply important to the health and welfare of the people, was, he thought, at once timid and unworthy. He looked upon it as a triumph of prejudice and clamour over reason and truth; nor did he believe it possible for any one who had heard or read the evidence taken before the Commission to come to any other conclusion. Nobody could have sat on the Commission without seeing very clearly the influences which were brought to bear on its proceedings, and he might add that the results at which it arrived were very different from those

which were at the commencement of its deliberations intended. He must once more record his regret at the timid and unworthy course to which the House was now asked to assent.

SIR JOHN TRELAWNY said, he must also enter his emphatic protest against the course which the Government had thought proper to take on the subject. It was at once an irresolute and an unfortunate course. The hon. Member for Manchester (Mr. Jacob Bright) was very fond of fine words, and he had not hesitated to speak of the Act of 1864 as an infamous measure—a sort of phrase which it was very much in fashion with rhetoricians to use when they did not understand what they were talking about. With such persons everything they did not approve was as black as his Satanic Majesty; but he was not one of those who chose to be considered a party to an infamous Act, for it was he (Sir John Trelawny) who in Committee of Supply had first asked whether it was not possible to do something in connection with the subject. And if the hon. Member would only take the pains of inquiring into the results of the Act which he condemned, he would find that it was perhaps one of the most beneficial measures which had ever passed through Parliament. The hon. Member could not have read the evidence, and the reports of the doctors, for if he had it was clear the highest class of evidence had no influence on his understanding. [Mr. JACOB BRIGHT: I have read them.] Then the hon. Member's case was so much the worse, for the hon. Member could learn—which it was clear he had not done—from those reports what lamentable results were brought about owing to women being allowed to leave the hospitals before they were cured. A witness was asked before the Commission whether she would not take charge of a miserable child, if she had the power of doing so, and endeavour to cure her; and the answer was, she thought she would; while to the question whether she would keep her till cured, the reply was also in the affirmative. If you detained any woman till she was cured there was to that extent an interference with the liberty of the subject, and you also made vice easy by discharging her cured. The persons, therefore, who took that line were out of court, and gave the lie to their own theory. If a woman

were charged with an offence against the law by soliciting in the streets, you had not only the right to cure her, if diseased, but in common humanity were bound to cure her. Yet the hon. Member dared to say that such legislation was infamous, and called its supporters the enemies of women. He began to think that this was one of the cases in which the Ballot was wanted in that House, to protect Members who were too timid to vote as they really thought upon this subject. There were six questions—he would not specify them—upon which it would be a good thing if secret voting prevailed in the House of Commons, and he regretted that the Government were adopting so weak and timid a course in proposing to repeal these Acts.

MR. RYLANDS, as a Member of the Royal Commission, would venture to say to the right hon. Baronet the Member for Droitwich (Sir John Pakington) that he (Mr. Rylands) had given the most careful attention to the evidence of the Royal Commission, and that the conclusion he had come to was exactly the opposite to that of the right hon. Baronet. When the Commission met, the majority of the Members had a foregone conclusion in favour of the Acts as they at present existed. He (Mr. Rylands) had led the forlorn hope in the opposite direction, and in the end the large majority of the Members were compelled to own that their views had undergone a complete change. The truth was, that many of the facts supposed to be favourable to the Acts turned out to be no facts at all, when closely examined into; and advantages had been exclusively attributed to the Acts which were really owing to other and very different causes. Improved police orders and improved regulations in the Army and Navy had done more, in the five years preceding the Acts, to diminish the evil aimed at, than had been accomplished by the Acts themselves. He was convinced that the course taken by the Government would be fully supported by public opinion.

SIR JAMES ELPHINSTONE said, he must bear testimony to the beneficial effects of the operation of the Acts in the communities to which they applied. The case of the poor girls who were lured into houses of infamy was most pitiable before the Acts were passed. Once there, they seldom escaped from them, except to their graves. Those

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ladies who took so much interest in their fate assumed a deep responsibility. They took these persons under their protection, placed them for some time perhaps in a reformatory, where they were left to *ennui*, and told if they did not reform, they would go to a place which he would not name. But how differently were they treated under these Acts. They were sent to an hospital, where they had the best medical attendance, received the kindest treatment, and frequently sent home to their friends. He believed it was a fact that 38 per cent of these unfortunate young women were rescued from a life of shame, and he considered the Acts in question Christian Acts. He strongly condemned the conduct of those persons who had endeavoured to inflame the passions of the people against Acts from which, in his opinion, so much benefit resulted. To yield to the agitation on this question would show the greatest cowardice on the part of the Government.

MR. HENLEY said, that the statements of the hon. Baronet the Member for Portsmouth (Sir James Elphinstone) were calculated to mislead the House and the country; for it was an undoubted fact, derived from the Reports of Commissioners and Committees, that quite as many, if not more, fallen women were reclaimed in towns in which the Acts were not in operation, as in those in which they were.

MR. OTWAY said, he shared in the views of the right hon. Gentleman who had just spoken (Mr. Henley), and was surprised to have heard the unmensured and indecent terms in which the hon. Baronet the Member for Portsmouth (Sir James Elphinstone) attempted to malign those praiseworthy women who were devoting all their energies to obtain the repeal of Acts which they considered degrading to their sex. In the borough which he represented (Chatham), and where the Acts were in operation, their effect as a remedial measure was quite in opposition to the hon. Baronet's experience; and although the opinions of the boroughs were not unanimous, there was a great preponderance in favour of a repeal of the present Acts. They must remember that they were legislating for women who had no opportunity of making themselves heard, except through the disinterested efforts of those of their own sex who had taken

up their cause. When the Government were blamed for this measure, he asked whether no account was to be taken of the feelings of the country? It was undeniable that the working classes to a man were in favour of the repeal of these Acts; and, even in a sanitary point of view, he doubted their efficiency. He believed his right hon. Friend (Mr. Bruce) would effect great good in repealing these Acts, and passing a Bill for the greater protection of women.

Motion agreed to.

Bill for the Prevention of certain Contagious Diseases, and for the better protection of Women, ordered to be brought in by Mr. Secretary Bruce and Mr. WINTERBOTHAM.

Bill presented, and read the first time. [Bill 42.]

STEAMSHIP "REDGAUNTLET."

MOTION FOR AN ADDRESS.

MR. WHEELHOUSE, in rising to move—

"That an humble Address be presented to Her Majesty, praying Her Majesty to be graciously pleased to appoint a Royal Commission to inquire into the circumstances attending the seizure and sale of the steamship 'Redgauntlet,' then the property of one Charles Cameron, at the Island and Port of St. Thomas, in or about the month of August 1867: and that such Commission be directed to hold its sittings for the matter of such inquiry at the said Island of St. Thomas, in order to allow the said Charles Cameron to adduce evidence and give proof before such Royal Commission there of certain facts connected with such seizure and sale."

said, that the ship was unjustly seized at the instance of the Spanish authorities, in consequence of a claim made with respect to a debt for £600 contracted at Cuba on a bottomry bond, and sold far below its value, being bought by a firm at St. Thomas, with which the acting Consul of Her Majesty's Government was connected. This transaction, which he contended was illegal, involved the master of the vessel in very heavy loss, and he accordingly wished that the Commission should sit at St. Thomas, and inquire into the whole circumstances of the case.

MR. CRAUFURD, in seconding the Motion, said, he considered that Mr. Cameron had made out a case requiring an answer and redress for the grievance he complained of.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to appoint a Royal Commission to inquire into the circumstances attending the

seizure and sale of the steamship 'Redgauntlet,' then the property of one Charles Cameron, at the Island and Port of St. Thomas, in or about the month of August 1867; and that such Commission be directed to hold its sittings for the matter of such inquiry at the said Island of St. Thomas, in order to allow the said Charles Cameron to adduce evidence and give proof before such Royal Commission there of certain facts connected with such seizure and sale."—(Mr. Wheelhouse.)

VISCOUNT ENFIELD said, this subject had occupied for a considerable time the attention of successive Secretaries of State for Foreign Affairs. The circumstances extended over a period of five years, but all Her Majesty's Government had to do with the subject was in reference to Mr. Lamb's conduct as the Consul representing this country. The whole of the circumstances were referred by Lord Derby and the late Lord Clarendon, when Foreign Secretaries, to the Queen's Advocate, and he was of opinion that Mr. Lamb had acted legally and properly as Consul. That opinion had been forwarded to Mr. Cameron's legal representative in this country. The only other complaint against Mr. Lamb was that he was partner in the firm in Savannah, which had advanced £500 on a bottomry bond on the vessel. The proper notice for repayment was given, and as Mr. Cameron could not raise the money to pay that sum, the vessel was sold, and it was to be regretted that a vessel supposed by Mr. Cameron to be worth a considerable sum had not realized more than about £1,500. Mr. Lamb had acted strictly legal in detaining the register. There was nothing to prevent Mr. Cameron from enforcing any rights he might possess against Mr. Lamb for anything he might have done other than in his official capacity as Consul. The Queen's Advocate still maintained the opinion that Mr. Lamb, in his consular position, had done nothing to warrant censure; and concurring in that opinion, the Government must oppose the Motion for a Royal Commission to inquire into circumstances which took place so far back as 1867.

Question put, and *negatived.*

CONTAGIOUS DISEASES ACTS (1868 AND 1869) REPEAL BILL.

Motion made, and Question proposed, "That leave be given to bring in a Bill to repeal the Contagious Diseases Acts (1868 and 1869)."—(Mr. William Fowler.)

Motion, by leave, withdrawn.

RELIGIOUS DISABILITIES ABOLITION BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to abolish certain restraints and disabilities now imposed on certain of Her Majesty's subjects on religious grounds.

Resolution reported: — Bill ordered to be brought in by Sir COLMAN O'LOUGHLIN, Mr. COGAN, Sir JOHN GRAY, Mr. O'REILLY, and Mr. MATTHEWS.

Bill presented, and read the first time. [Bill 34.]

CHARITABLE TRUSTEES INCORPORATION BILL.

On Motion of Mr. HINDE PALMER, Bill to facilitate the incorporation of Trustees of Charities for religious, educational, literary, scientific, and public charitable purposes, and the enrolment of certain Charitable Trust Deeds, ordered to be brought in by Mr. HINDE PALMER, Mr. HEADLAM, and Mr. OSBORNE MORGAN.

Bill presented, and read the first time. [Bill 35.]

ADULTERATION OF FOOD AND DRUGS BILL.

On Motion of Mr. MUNTE, Bill to amend the Law for preventing the adulteration of Food and Drugs, ordered to be brought in by Mr. MUNTE, Mr. WHITWELL, and Mr. DIXON.

Bill presented, and read the first time. [Bill 37.]

JUSTICES' CLERKS (SALARIES) BILL.

On Motion of Sir DAVID SALOMONS, Bill to improve the Administration of Justice at Petty Sessions, by providing for payment of Justices' Clerks by Salary, ordered to be brought in by Sir DAVID SALOMONS, Mr. JOHN GILBERT TALBOT, Mr. MAGNIAC, VISCOUNT HOLMESDALE, and Sir HENRY SELWYN-BRERETON.

Bill presented, and read the first time. [Bill 39.]

PUBLIC PARKS (IRELAND) BILL.

On Motion of Mr. M'CLURE, Bill to amend the Public Parks (Ireland) Act, 1869, ordered to be brought in by Mr. M'CLURE and Mr. WILLIAM JOHNSTON.

Bill presented, and read the first time. [Bill 41.]

GAME LAW (SCOTLAND) AMENDMENT BILL.

On Motion of Mr. M'LAGAN, Bill to amend the Laws relating to Game in Scotland, ordered to be brought in by Mr. M'LAGAN, Mr. FINNIE, and Mr. ORB EWING.

Bill presented, and read the first time. [Bill 40.]

THANKSGIVING IN THE METROPOLITAN CATHEDRAL.

Select Committee appointed, "to consider what means shall be adopted for the attendance of this House at the Thanksgiving in the Metropolitan Cathedral on the 27th instant."—(Mr. Gladstone.)

And, on February 14, Committee nominated as follows:—Mr. GLADSTONE, Mr. AYTON, Sir THOMAS BAZLEY, Colonel FRENCH, Mr. ELICE, Lord JOHN MANHEES, Viscount CRICHTON, Mr.

WILLIAM HENRY SMITH, Mr. BERESFORD HOPE, Lord ERNEST BRUCE, and Sir GRAHAM MONTGOMERY:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at half after
Eleven o'clock.

HOUSE OF COMMONS,

Wednesday, 14th February, 1872.

MINUTES]—NEW WRIT ISSUED—*For Nottingham County (Northern Division), v. The Right Hon. John Evelyn Denison, now Viscount Ossington, called up to the House of Peers.*

SELECT COMMITTEE—Standing Orders, nominated; Selection, nominated; Thanksgiving in the Metropolitan Cathedral, nominated.

PUBLIC BILL.—Ordered—First Reading—Court of Chancery (Funds) * [43]; Sunday Trading (Metropolis) * [44].

Second Reading—Burials [1]; Registration of Borough Voters [15].

The House met at Two of the clock.

BURIALS BILL.—[BILL 1.]

(*Mr. Osborne Morgan, Lord Edmond Fitzmaurice, Mr. Hatfield, Mr. McArthur.*)

SECOND READING.

Order for Second Reading read.

MR. OSBORNE MORGAN, in moving that the Bill be now read a second time, said, it might be shortly described as a measure authorizing burials in the churchyards of parishes not provided with public cemeteries, either with a religious service or without a religious service, other than the service of the Church of England, subject to certain restrictions and qualifications pointed out in the Bill. As that was the third year in which he had had the honour of introducing the Bill, and as not only every aspect of the question, but almost every detail of the Bill, had been fully discussed in that House and before Select Committees, he should have been content to abstain from comment, had not misconceptions arisen as to the change which the Bill proposed to effect. The Bill had been persistently denounced as an invasion of the vested rights and privileges of the clergy of the Church of England. He maintained that, properly viewed, it was nothing of the kind. The right of burial in the parish burial-ground was a civil right, not an ecclesi-

astical right. It belonged to the parishioner—*quid* parishioner, and not *qua* Churchman. It was a right arising out of the necessity of the case. Originally it was a right to be claimed by the laity, not to be enforced by the clergy; but now the case was reversed, and what was intended for the comfort of the laity was become a privilege of the Church. What was claimed by the clergy of the Church of England existed nowhere else. It did not exist in Rome or in France. They must go to the South American States—to Chili, for example—to find anything analogous. The grievances he sought to redress were by this time notorious. The Dissenters were aggrieved because their dead could not be buried in in their own parish churchyard according to their own religious rites; some of the clergy were aggrieved because they were prevented by law from doing that which common Christianity required of them; and the whole Christian community were offended because some of the clergy, under cover of the law, committed acts which became a scandal to the Church. He would not weary the House by recapitulating the arguments in favour of the Bill, which was substantially the same as that of last year, nor would he repeat the many cases in which the existing law had given rise to disgraceful scenes in parish churchyards. One fresh instance, however, of a monstrous character had occurred during last autumn. A clergyman had actually had an unbaptized child removed from a coffin, where its twin brother or sister lay, beside the grave, and while the one was buried in the corner of the churchyard “like a dog,” the other received Christian burial. The only alternatives proposed by those who opposed him were either that the Dissenters of each parish should be provided with a separate burial-ground at the expense of the rates, or that Dissenters should be interred without any burial service. The hon. Member for Salford (Mr. Cawley) said—“Why not get burial-grounds of your own?” Where was the money to be got? What would the hon. Member for South Devon (Sir Massey Lopes) say to having an additional burden of £1,000,000 thrown on the ratepayers in the shape of local taxation? But, apart from the pecuniary consideration, what a reproach to religion if every parish in the kingdom

were to be dotted with two burial-grounds, one labelled "Church," and the other "Dissent." Then the hon. Member for the University of Cambridge (Mr. Beresford Hope) said—"Why not have Dissenters interred in the parish burial-ground without any religious service at all?" He would treat Dissenters like unbaptized persons or *felos de se*. That suggestion cut the ground from under his own feet and left him no *locus standi*. Then it was said that Dissenting preachers might convert the graveyards into places of attack against the Church, and for making political speeches. There was a clause in the Bill which provided that the burial service should be conducted in a decent and solemn manner, and should be of no other than a religious character. It would be impossible that anything should occur, and the hon. Gentleman's suggestion involved the lowest estimate of human nature. Did they really suppose that any man could convert the one moment in life which ought to be sacred to higher and holier influences—"quelling the embittered spirit's strife"—into an occasion for hurling a vituperative philippic at the head of a political enemy? Did they believe that Dissenters were not men? Did they arrogate for the members of their own Church the sole possession—he would not say of Christian virtues, but of human feelings? Really he was ashamed to press the argument further. He hoped he would hear no more of it. The only other argument against the Bill, and which was a purely legal fiction, was that the burial-ground was the property of the Church—what he might term the "thin-end-of-the-wedge" argument. Some feared that if the Dissenters were admitted to the churchyard, a rainy day might cause them to take refuge in the church porch, and if the Dissenters ever managed to get into the church, they would, in all probability, never be got out. He reminded those who used this argument, that they would never save the Church by preserving its abuses. In conclusion, he would remark that on former occasions his Bill had been defeated by a resort to technical expedients rather than to arguments; but he was inclined to think from the straightforward character of the hon. Member for Manchester (Mr. Birley), that a more manly opposition would be carried on

against the Bill. Should it be otherwise, he would say that a very grave responsibility would rest on the opponents of the Bill; for upon them would rest the responsibility of drawing down upon the House the greatest discredit which could befall a Legislative Assembly, by proving to demonstration that it was grown unequal to the work for which it existed. But that was not all; for upon them would rest the still graver responsibility of keeping open a question which, in the interests of the country, in the interests of religion, and, most of all, in the interests of the Church of England, ought to be settled without a moment's delay. Upon them, too, would rest the responsibility of proclaiming and maintaining the odious doctrine that death, which healed all other differences should not heal the difference between Christian and Christian, and that these miserable denominational dissensions, which, compared to the great truths which united us, were but the shadow of a name, should be fought out to the bitter end.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Osborne Morgan.)

MR. BIRLEY, in moving an Amendment, that the Bill be read a second time that day six months, said he did so with regret, because, while on the one hand, it might be said that the Bill was intended as a well-meant effort to restore to all the parishioners their common rights to the use of the burial-grounds for interment, freed from restrictions to which they might conscientiously object, on the other hand, the most earnest Churchman might well rejoice that many of those parishioners who, either from conviction or association, had deserted the faith of their forefathers, were at last brought to repose in consecrated ground under the shadow of the parish church. But the question could not be dealt with as one of sentiment, or in a superficial manner, because in reality it involved the whole question of disestablishment. It was impossible to entirely detach the churchyard from the church itself. The churchyard was the curtilage of the church. The curtilage was held under well-known and well-defined restrictions. The churchyard was the freehold of the minister, and, although the House had been told that that was a mere legal fiction, he believed that it was the fact

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that the clergyman had the right to cut down the trees of the churchyard for the repairs of the chancel, though for no other purpose, because the trees were intended, in the first place, for the shelter and the ornament of the church. The churchwardens, too, were responsible for decent conduct in the churchyard, and for the repairs of the fencing by which it was surrounded. The Church Burial Service was conducted partly within and partly without the walls of the church; and if the Bill were passed, it would be felt to be a grievance if the Nonconformists could not act in precisely the same manner as the Church people, and, in fact, conduct their services in the parish churches as well as in the churchyards. Then, how was the churchyard to be kept up? What was to take the place of the old church rate? Was the expense to be left to the parochial rate? Or was it to be left to private benevolence? Many cases would arise in which it would be awkward to refuse the church itself to Dissenters. Supposing, for instance, a Nonconformist funeral were overtaken by a storm? One could easily imagine the sensational paragraphs that would appear in the local newspapers, if the parish minister refused the shelter of the church roof in the pelting and merciless storm, showing how, while the rector of So-and-so sat warm and snug in his comfortable library, his poor Nonconforming parishioners were kept waiting in the churchyard, drenched to the skin by the pitiless storm, or else were obliged to take refuge in some neighbouring alehouse, because the hard-hearted rector kept the doors of the parish church inhospitably closed against them. The hon. and learned Member's (Mr. Osborne Morgan's) Bill, therefore, would only be a prelude to another, declaring that nothing but the unqualified use of the parish church would satisfy Nonconformists. Although the hon. and learned Member professed his contentment if admitted to sepulture in the churchyard, that was not the feeling among Nonconformists themselves, for at a meeting held in Manchester last week, at which 1,800 people attended, a resolution was passed, claiming for all, all the rights of sepulture which were granted to any. In fact, he thought the Bill would create more grievances than it would remove. The suggestion as to providing public cemeteries would remove the difficulty.

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It was said that the cost of that would be enormous, something like £10,000,000. The hon. and learned Member did not furnish any data for this; but he had exaggerated to a large extent. It would not be necessary to provide cemeteries in every parish; many of them were already provided; many of them would unite for a common cemetery. Desirable as it was that all of them should at last come into a common resting-place, the prevalence of separate places for the interment of Churchmen, Roman Catholics, and Nonconformists, showed the predominance of an opposite feeling. Another obstacle also in the way of the passing of the Bill was the fact that in many cases land had been given for the enlargement of burial-grounds; and in other cases, parishioners had given donations for like purposes. It might be easy to add to these arguments, but prolonged discussion had been deprecated, and he therefore suggested that the best plan would be to postpone the whole matter, and include it in the general question of disestablishment, to be brought on by the hon. Member for Bradford (Mr. Miall), of whom the hon. and learned Member was a faithful follower. The hon. Member concluded by moving the rejection of the Bill.

MR. ASSHETON CROSS seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(Mr. Birley.)

MR. RAIKES remarked that the Bill, unlike most measures coming from the Ministerial side of the House, was rather behind time; it should have been submitted before the church-rate question was settled; when that abolition took place the main argument in its favour was swept away. The great objection to the measure was founded on the simple rights of property. It was not right to transfer from the Church of England property always enjoyed by it, to become public property. But this did not sufficiently describe the proposal of the hon. and learned Member (Mr. Osborne Morgan). He not only wanted to make the property of the Church public property, but sought to bring about a state of things under which the Church of England would be the only religious community which could not claim for itself an

exclusive plan of burial. And what provisions did he make for the prevention of scenes which he himself would hold to be a desecration of the churchyard? He provided that any religious ceremony might be carried on in the parish churchyard at the burial of a parishioner, provided only it was a religious ceremony. Why, even that extraordinary religious sect which figured the other day in a police court, whose services consisted chiefly of dancing, and who had their place of worship under one of the railway arches of the metropolis, would, he supposed, have the right, if this Bill were assented to, to celebrate their religious services in the churchyards of the country! The main objection made by the chief promoters of the Bill to the measure of the hon. Member for Salford (Mr. Cawley), introduced last year, was that it would entail an expenditure of something like £10,000,000 for the purchase of Dissenting burial-grounds. Now that was obviously a great mistake, for assuming that only about 10,000 out of the 20,000 parishes in the country would require those graveyards, and that half an acre would be adequate for each, the whole cost, at £50 per acre, would scarcely reach £250,000 instead of the sum of £10,000,000; and those who undertook that expenditure would be very soon recouped from the fees that would be received for interments. He was sorry that the hon. and learned Member did not accede to an Amendment which he (Mr. Raikes) moved last year in the 9th clause; because, if he had done so, one of his great objections to the Bill would then have been removed. His Amendment was, that on the Secretary of State's approval of one of those graveyards being signified, the vestry should be compelled to accept it. He objected to giving the vestry an option in the matter, believing that some of those bodies would be tempted to refuse their acceptance, by their desire to maintain a system of internments that proved most irritating to the incumbents. The hon. and learned Member had introduced his Bill at so early a period this year, that many hon. Members who were opposed to its principle were as yet unable to take their seats in that House. The majority which supported the hon. and learned Member two years ago had diminished from 100 to 60 in the last year. Since that time five new elections had

taken place, and out of them four new Members hostile to the measure were returned in the places of an equal number of hon. Gentlemen who had supported it on the previous occasion. Surely this should lead the House to the conclusion that public opinion was not in favour of the hon. and learned Member's proposition.

MR. MONK said, that although he had voted for the second reading of the Bill last year, and intended to do so again this year, he wished to guard himself against being supposed to approve of all its details. He admitted that a grievance in the case of the Nonconformists existed in respect to the question, which hon. Members on both sides, he believed, were desirous of removing, if that could be done without the sacrifice of principle. It appeared to him that the parish churchyards should be thrown open to all religious sects, under this condition—that if there were to be any religious service performed, it should be only that of the Established Church. The 1st clause might be easily amended to carry out that principle, whilst recognizing the right of burial to all sects with or without that particular religious service. He hoped that the measure would be agreed to by a considerable majority, and that it would be sent up early to the other House for their acceptance.

COLONEL BARTTELOT said, he should be perfectly satisfied with the measure if the principle just suggested by the hon. Member for Gloucester (Mr. Monk) were embodied in it—namely, that if a religious service were performed it should be that only of the Church of England. Upon that condition he, and he thought the whole House with him, would most heartily assent to a measure giving Nonconformists, and all other Dissenting sects, the right to bury their dead in the parish churchyards quietly and silently. But he believed that that arrangement would not satisfy the hon. and learned Gentleman, and the party with whom he acted in reference to this question, inasmuch as they demanded that all religious sects should have equal rights in respect to the use of those burial-grounds. To such a principle he most emphatically objected, and he should protest against it. It appeared to him that the Bill was an unjust one, because it claimed for a very small minority those rights which

belonged to a large majority of the people of this country. Some little difficulty might, no doubt, have arisen in Wales in respect to this matter, but, taken as a whole, he did not consider that any great difficulty or grievance existed on the side of the Dissenters; and that if there did, a Bill which was now in "another place" and which might come down to them at a future day, was far nearer attaining those ends than the measure now under consideration. He believed that if this Bill were passed they would be giving up one of the outworks of the Church. He for one would never assent to doing so. He was prepared to fight for the citadels and outworks belonging to it, with a view to maintaining that Church which he loved, and which he believed to have proved an unmixed benefit to the country. He should, therefore, decidedly vote against the second reading.

MR. MORLEY believed, if they could have a proper security for the character of the religious service which might be performed in the churchyards, that nine out of ten thoughtful men in England would be thankful to have the question settled. All persons concurred in thinking that there ought to be some religious service at the time of committing the body to the ground, and he felt that the Nonconformists generally would entertain a great objection to excluding such service, especially when they were in the act of depositing the body in the grave. The Bill proposed to enable parishes to accept gifts of land for the purpose of constructing cemeteries. It applied to no parish in which there was a public cemetery, or in which the churchyard had been purchased within the last 50 years. The Bill was intended to meet the case of a parish in which there were no means of interment except in the churchyard. He submitted that, if security could be taken that the service should be brief, solemn, and real, excluding everything irregular or contrary to the convictions of religious persons, they would remove out of the way a great cause of bitterness. He was certain that Churchmen were weakening their case by keeping this question open, and strengthening the hands of those who were seeking to attack the Establishment. He held in his hand a letter from the Rev. Joseph Litton, a Wesleyan minister at Gravesend, describing a painful inci-

dent which had recently occurred in his district—namely, the refusal by a clergyman to read the service over the body of the deceased daughter of a Wesleyan Methodist, aged 18, on the ground of her not having been baptized in the Established Church. When there were no other facilities for the burial of the dead in such a case, he said that constituted a great grievance. He would, therefore, vote for the second reading of the Bill, and should be very glad to consider with hon. Gentlemen opposite any fair compromise which would secure to Nonconformists the right to which as Englishmen they were distinctly entitled.

MR. MOWBRAY said, he was very pleased to hear from the hon. Member for Bristol (Mr. Morley)—than whom there was no abler or more candid member of the Nonconformist Body—the expression of a desire to have that question fairly settled; and if he himself saw any hope of its being so settled by that Bill, or by any amicable arrangement such as the hon. Gentleman had suggested, he should not wish to oppose the second reading. The hon. Member for Bristol last year said that what he wanted was a fair Burials Bill. Churchmen desired that also; but, to be fair, the Bill must have relation to both sides of the question, and should recognize the rights alike of Churchmen and of Dissenters. If the Bill embodied the Amendments suggested by the hon. Member for Gloucester (Mr. Monk) they might not object to it; but that measure ignored the rights of the Church of England. That was, he believed, the 11th year in which that had been made a Parliamentary question, first in the hands of Sir Morton Peto, and then in the hands of the hon. and learned Member for Denbighshire (Mr. Osborne Morgan); and the basis of a settlement was recommended by a Committee which sat in 1862, and of which the present head of the Government was an active Member. The recommendation of that Committee was that there should be interment for all parishioners in the parish churchyard, but that if there was to be a religious service there it should be the service of the Established Church. That basis of a settlement had, however, been rejected. He saw no distinction in principle between the use of consecrated churchyards and the use of consecrated churches; and, if the former were to be opened to

the religious services of all denominations, then, logically, so also ought the latter. Churchmen conceded the right of every parishioner to interment within the parish churchyard; and if it was said that additional facilities for interment were required, they were willing to give them freely and to afford every means of multiplying cemeteries and burial-grounds. But within the churchyards set apart by law for the service of Almighty God, they insisted that if any religious service was performed it should be that of the Church of England and no other. He wished that the spirit animating the hon. Member for Bristol equally animated the hon. and learned Member for Denbighshire. The hon. Member for Bristol had said he should be glad to see services allowed, and that they should always be of a religious character; but when they attempted in a Committee upstairs to define what those services should be, and to provide that they should consist of prayers, extracts from Scripture, or hymns, they always found a minority objecting to such conditions. Could not hon. Gentlemen, before going into Committee on this Bill, agree to some concessions? As long as the Nonconformists insisted that there should be a service in the churchyards, which might not be the service of the Church of England, they might expect to meet the determined resistance of that (the Opposition) side of the House. He had no doubt that the second reading would be carried that day by a large majority; but if hon. Gentlemen opposite sincerely desired to arrive at some settlement in the present year, he hoped they would take into consideration the recommendations of the Committee of 1862. If they did not, those sitting on his side would be obliged, as in previous years, to fight clause by clause, and line by line, a Bill which, in order to remedy a small grievance, violated a great principle. But, assuming that the Bill was forced through that House by diminishing majorities, they could hardly expect it to receive a very cordial welcome in "another place," whence it would most probably come back to them, if it came back at all, materially altered. If the hon. and learned Member for Denbighshire would be prepared to accept such changes in the measure, then let him accept them now. If, on the other hand, the hon. and learned Member wished to

throw over legislation on the subject this year, so be it. There was no Royal Warrant that would open the churchyards of the Established Church to Nonconformist ministers, Roman Catholic priests, or Mormon elders.

Mr. HINDE PALMER said, that if a compromise was to be promoted, the subject must be approached in a very different spirit from that in which the right hon. Gentleman the Member for Oxford University (Mr. Mowbray) had just addressed the House. The uncompromising character of the Bill was justified by the opposition which had been shown to it in that House, for anything more unjustifiable than the manner in which that opposition had been conducted he had never known. They were told that the grievance to be remedied was a small one. But he found that a right reverend Prelate stated in the course of last Session in "another place" that the grievance under which the Dissenters laboured was one of a most serious description, of which they had a fair right to complain. But the remedy which was proposed was, that there should be no service whatever over the grave, for to have any other service than that of the Church of England would, said the right rev. Prelate, interfere with the principle of an Established Church. Now, it struck him that if they were to respect the conscientious feelings of Dissenters and the wishes of their fellow-countrymen, it was rather too bad to say that they should not be allowed to perform any religious service at all over the bodies of such of their members as were interred in the parochial churchyards. There was the almost silent, and, no doubt, solemn service of the Society of Friends; and, for his own part, he had attended such an interment, and was ready to agree that a member of his family should be so buried, rather than have no service at all; but that was not the opinion of Dissenters generally. That contrary feeling had a right to claim to be respected, and last Session he proposed Amendments in Committee which would have attained that object if the measure had passed. The whole contest lay in this—whether there was to be no service at all, or whether there was to be a religious service performed under such restrictions that it should not offend the scruples of any person whatever. Only that morning he received

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from a Dissenting minister a letter, in which he stated that a child of the Methodist community had died; that before death the recognized minister of that denomination had baptized the child; that when the child was taken to be buried the clergyman refused to allow burial unless it was done without any service whatever; and that the parents and friends of that child were obliged to submit to its burial just the same as if it had been a case of *felo de se*. He thought that Dissenters had a right to complain of the law that permitted such a state of things. He should vote for the second reading, and in Committee he would be prepared to move clauses which should secure that the burial service performed in the parish churchyards should be of a sacred and Christian character, and such as was customarily performed by the different religious denominations of the country.

Mr. BERESFORD HOPE said, that the House approached the question under the disadvantage of its raising a much wider issue than the mere words of the Bill. He was compelled to look at the question in connection with the ulterior objects avowed by the Conference of Nonconformists lately held at Manchester. At that Conference a platform of principles was laid down as the basis of a Nonconformist agitation which had been set on foot throughout the country. The seventh head of that programme consisted of two paragraphs—the first laid down that

"No amendment [of the marriage laws] can be satisfactory to the Nonconformists which does not provide for the absolute equality of all citizens before the law."

What equality on that matter could be conceded by Parliament beyond what now existed he could not conceive, unless it was that the Dissenting minister was to walk into the church, and perform the marriage ceremony there according to the forms of his own sect. ["Question!"] That was to the question. Again, in the second paragraph of this same seventh head the Manchester Conference—

"Claims equal right for all citizens in the National or Parochial Churches and burial grounds, and, while just regard is had to vested interests, this Conference protests against any exclusive privileges being accorded to any section of the community in the interment of the dead."

The House would notice the pregnant sig-

nificance of the claim, which was virtually for the use of the church for Nonconformist marriage services being bracketed under the same head as that for the churchyards for burial services. When anyone can marry and bury in our churches and churchyards, it will not be long before they will make their claims good to use them for all other kinds of ministration. But to return to the Bill. The ostensible controversy had now been narrowed to the single point of whether the churchyards should be available for the interment of all persons without any burial service, or whether any service peculiar to the denomination to which the deceased in his lifetime had belonged should be performed. That was a distinct, firm, and sharp issue involving both principle and detail. With few eccentric exceptions, like that of the Queen's chaplain, Churchmen throughout the country were resolved and determined that they could accept no such offer as the second alternative, while they were not only willing but anxious to ratify the former one. They had, as late as last year, only cautiously ventured to refer to what was known as the rainy-day argument for the possible use of the church in bad weather by Nonconformist funeral managers; but what was last year timidly raised as a possible contingency, and as an evil that might grow out of this Bill had, in the intervening twelvemonth, actually been flaunted in their faces as a claim by the body which professed to represent the leaders of that movement. The Manchester demand was not only for the "National or Parochial Burial-grounds," but also for the "Church." He felt therefore bound to declare that until the hon. Members for Bristol and Leeds (Mr. Morley and Mr. Baines), who were looked up to in that House as the spokesmen of conscientious and conciliatory Dissent—until they got up and disclaimed the authority of that Conference at Manchester, that Conference must be recognized as speaking the authoritative voice of Nonconformity, and so it was idle any longer to contend that the Bill was not the first step to the concession of the church as well as the churchyard for the burial service. Let them open the church to the performance of all services in connection with an interment, and where would they pull up? "Equality in the mar-

riage law" — which meant the use of the church for marriages according to Nonconformist forms — would follow ; nor would they stop there. He would appeal to the hon. and learned Member for Denbighshire (Mr. Osborne Morgan) to say whether, if the House acceded to the seventh clause set forth in the Manchester programme, they could consistently resist the further demand for the alternative use of the churches of the Establishment by all or any sect for any act of worship they might be pleased to perform in it ? The Manchester Conference was but the pioneer of the movement—the pilot balloon thrown up by its leaders. In the background stood the hon. Member for Bradford—not the right hon. Member for Bradford—there was a marked distinction between the two—who would then come forward with his demand for the disestablishment of the Church. Putting two and two together — comparing the interim demand of the Manchester men for the use of churches to marry and to bury in with the ultimatum of the hon. Member for Bradford—he inferred that Churchmen, after being disestablished, were not, in the intention of the disestablishment agitators, to go out with undisturbed possession of their own property, the old parish churches, the new district churches, and the consecrated burial-grounds. In short, the Church of England, because she was very powerful ; because she enlisted the love and sympathy, and in general the communion of so very large a portion of the people of this country, was not to be allowed, under similar circumstances, the same privileges as had been unanimously conceded to the Church of the minority in Ireland when disestablished. He felt compelled to take this slight leap into futurity, because in the face of the preposterous claims advanced by the Manchester Conference, it was absurd to treat the burials question as if all its consequences were contained within the four corners of the Bill. What was offered in the measure which came down from "another place" last year, and which was now again before that other Assembly, met all the reasonable requirements of their opponents on this subject. Churchmen did not wish to interfere with any religious service that might be performed either in the house or at the place of worship of a deceased Dis-

senter, or to prohibit any interment in a churchyard unaccompanied by service ; and they were ready to offer the utmost facilities for the acquisition of land in parishes for interments with any forms that did not contravene the primary laws of decency and good order. As to clergymen who declined to read the burial service over those who had received Dissenting baptism, he admitted that there at least was a grievance, but it was a grievance totally outside the present proposal. He could only say that such clergymen did not understand the laws of the Church in which they ministered. But the remedy for that was not to be sought in that House nor in the present Bill. The Church had fully shown that it could grapple, in its own legislative capacity, with what were called religious grievances, and judging from the events of the past week, if the Church were allowed liberty in its corporate character to express its views, it would very soon proclaim that baptism by Dissenters established a claim to Church of England burial which no clergyman would thereafter dare to refuse. In conclusion, it was his duty to warn the party opposite that if they forced the Church into a political agitation they would kindle such a flame in the land as neither they nor their children would be able to quench. He should regard such a contingency as a grave misfortune to the State, and still more so as to religion itself. Any religious body throwing itself into a political agitation, except under an extreme political necessity, was, he thought, oblivious of its duty ; but cases might occur in which it would be its paramount duty to assume such an attitude. The Dissenters had just been doing so, without an adequate justification. The late Conference at Manchester was an example of such recklessness ; and it was already producing sufficient confusion throughout the country. The Church of England was a larger and more powerful body than the united phalanx of the Nonconformists, and let it be driven to feel that it was sorely aggrieved by the action of the State, force it to unite as one man to resist that State, and carry its wrong before the House and the country, and then the men whose folly had precipitated the crisis would be responsible, for that would at once set up a condition of civic antagonism which would become

Mr. Beresford Hope

the normal condition of the body politic, to the extinction of those old relations of amity between citizens which all right thinking persons desired to maintain. He trusted that such a contingency would never arise, and he would do all in his power to avert it; but there was one thing which Churchmen would not yield to their opponents—there was one thing against which they would fight to the bitter end—and that was the claim to hold alien services in their churches and churchyards. They might, in the long run, fail, or they might succeed, but they never could capitulate, convinced, as they were, that concession on this head would be the abasement of the Church's birth-right.

MR. MIAULL said, that having been referred to so pointedly by the hon. Member for Cambridge University (Mr. Beresford Hope), he now rose to say a few words. He had never before spoken on that subject in the House; he had simply by his vote affirmed the principle of the measure. Indeed, he did not take any great interest in it, except as it branched from another question in which he took a very deep interest; when he spoke, however, he was not inclined to put his opinion into language that was unintelligible either to his friends or foes. In the Bill before the House the Dissenters simply claimed a right—they did not ask a concession. The House had just been listening to a great deal of speaking which was pervaded by an air—probably an unconscious air—of superiority on the part of Churchmen over Dissenters. It appeared to be assumed by those who opposed the Bill that the churchyards belonged to the members of the Church of England to the exclusion of the Dissenters, but in that they were utterly wrong, because being the property of the national Church, the churchyards belonged as much to the Dissenters as they did to the members of the Church of England. The members of the latter Church were not going to be allowed to appropriate the churchyards to themselves, or to lord it over the Dissenters as though the latter were inferior to themselves in the position which they occupied under the law of this realm. All that the Nonconformists asked was that they should be allowed to exercise their common rights as citizens and parishioners with regard to the church-

yards.* The compromise that had been offered to them was, either that they might if they liked be buried in the churchyards, but that if they chose to be buried in them they must be content with the burial of a dog without any service being performed over their graves, or else, if they could not bring themselves to accept that great concession, then that they might have provided for them at the public cost a separate place of burial as though they were unfit, even when dead, to be placed beside the members of the Church of England. All he desired to say was, that he was disposed to accept of no compromise which would get rid of the rights of the Nonconformists as citizens and as parishioners to share in all the advantages afforded by churchyards.

MR. STARKIE said, that the hon. Member who had just sat down (Mr. Miall) appeared to forget that the Church service was appointed by statute to be read long before Nonconformity was known, and that it was simply to preserve good order in the churchyards that that service was appointed to be read. One complaint he had to make against the hon. and learned Member for Denbighshire was, that he provided in his Bill no substitute for the present service. He should like to hear the hon. and learned Member give the House his definition of a religious service. Would he call a Dervish-like dance a religious service? It was a singular fact that the hon. and learned Member made no mention of ground belonging to Nonconformist places of worship. If there was a burial-ground belonging to the Nonconformist place of worship in a village, why on earth should not the Nonconformists be buried in it? The professed object of the hon. Member was to enable persons who had formerly been members of the Church of England to be buried with their forefathers in the churchyard of the Established Church; but it could scarcely be a grievance to those who had left the communion of the Established Church that they should be buried in the graveyard belonging to the place of worship to which they had belonged in their lifetime. It was evident that hon. Members on the other side of the House were not unanimous in their views upon this question. Thus, the hon. Member for Gloucester (Mr. Monk) was willing to exclude any reli-

gious service, whereas the hon. Member for Bristol (Mr. Morley) was anxious that there should be a religious service. But if every person was to be at liberty to perform his own peculiar service over his dead, where could the line be drawn? A large number of Methodists accepted the Church of England funeral service, which, if no one knew to what Church it belonged, would be regarded by all as the most sublime service that could be performed over the dead. He should vote against the second reading of the Bill.

MR. WALTER, in voting for the second reading of the Bill, said he should do so with some hesitation, because one did not quite know with whom one was treating in this matter. The position in which Churchmen stood with reference to the Bill was not unlike that which the country occupied in relation to another powerful nation, with regard to a matter of a very different and most important character. The Bill might be described as a treaty of a very moderate kind entered into by Churchmen with the Nonconformist Bodies, for a definite purpose; and if they were dealing with the hon. Member for Bristol (Mr. Morley), who spoke on the subject in a most conciliatory manner, and with much common sense, he was quite sure that all Churchmen of moderate views would have no difficulty in arriving at a friendly and satisfactory settlement of the question. But the hon. Member for Bradford (Mr. Miall) had preferred an indictment against the Established Church generally, and had brought in a bill against her for consequential damages. All understood the meaning of the hon. Member perfectly; there was no disguise about it whatever, and therefore, although he supported the principle of that measure, he was not surprised that the hon. Member for the University of Cambridge (Mr. Beresford Hope), and hon. Members generally, felt great embarrassment in dealing with the question, however anxious they might be to see it amicably and satisfactorily settled. It was no use attempting to conceal the real state of the case; it was clearly a matter of some consequence to Churchmen—if they were to look forward to the disestablishment of the Church, which the hon. Member for Bradford had in view—that they should not give the Dissenters greater vantage

ground than they already possessed with regard to the buildings and churchyards which at present were the property of the Establishment. No doubt the hon. Member had ready a plan cut and dried for dealing with the churchyards on the principle carried out in the disestablishment of the Irish Church or otherwise, and it was of the greatest consequence to Churchmen to know what the views of Dissenters on the subject were, and in what position they would stand, in the event of the disestablishment of the Church of England, if the Dissenters were allowed to obtain a footing in the churchyards. Happily, however, this matter was beside the question, and he would rather put it to hon. Members opposite whether, when they had come so nearly to the point as to admit that it was right and just, and indeed absolutely necessary that Dissenters who, for their own reasons, were not in a position to have the Church Services read over them, should be buried in the churchyards where their forefathers were buried, they could not go one step further and agree to some short form of prayer being used over them. He did not think that any hon. Member of that House, considering the matter quietly and calmly, would think it any great scandal to religion, or any outrage to the Church, if the friends of Dissenters who were buried in churchyards were allowed to repeat over their graves the Lord's Prayer or some short form of religious service which might be suitable to the occasion. Of course they knew that there were some religious Bodies who were in the habit of making funerals the occasion for delivering long orations, a practice which was not quite in accordance with the notions of Churchmen. He had been told the other day of a case in which a most distinguished member of the Nonconformist Body, a man of great eminence and possessed of great oratorical power, had delivered an address, which lasted half-an-hour, over the grave of his deceased friend, in which, having eulogized his virtues—no doubt very properly, he took the occasion to refer to family matters in a manner which, in the opinion of his friends who were standing by, was by no means consistent with good taste and decorum. That was the kind of thing to which the hon. Member for Bristol alluded, and no

Mr. Starkie

doubt the adoption of such a course by Dissenters in a churchyard would be very grating to the feelings of Churchmen, who did not wish to see their churchyard used in such a manner. But when objections were raised against the use of any short form of prayer whatever, however simple it might be, over the body of a Dissenter which was buried in a churchyard, it recalled the scene in *Hamlet* where the priest allows Ophelia's funeral procession to come into the churchyard, but forbids anything further being done. To that scene might be compared the case of the young woman who died unbaptized at Gravesend at the age of 18, over whose body the clergyman refused to permit the simplest form of prayer to be uttered. Doubtless, the sentiments in the breasts of her relations on that occasion would be well expressed in the language of Laertes in the scene to which he had referred—

"Lay her i' the earth;
And from her fair and unpolluted flesh
May violets spring! I tell thee, churlish priest,
A ministering angel shall my sister be
When thou hast howling."

That would be the feeling aroused in the minds not merely of Dissenters, but of all religious men, were some form of prayer not to be permitted to be used over the body of a Dissenter buried in a churchyard. He thought that that was a point which might well be settled in Committee by those who were really anxious to bring the controversy to an amicable termination. Without trespassing further upon the kindness of the House, he begged to conclude by expressing his determination to vote in favour of the second reading of the Bill, in the hope that that Session would see an end of the matter.

MR. CAWLEY said, he sympathized entirely with what had fallen from the hon. Member for Bristol (Mr. Morley), because he felt that some religious service ought to be performed over the graves of those who belonged to what Churchmen admitted to be a Christian community. The Bill did not attempt to define what description of service was to be substituted for that of the Church of England, and he was afraid that hon. Members, like the hon. Member for Bradford (Mr. Miall), would not be inclined to accept of any form of service whatever, because he claimed the liberty

to use what form of service he chose in the churchyards not as a privilege, but as a right. Into the general question of an Established Church he was not about to enter, because the present was not the right time to discuss it; but he dissented altogether from the doctrine laid down by the hon. Member for Bradford as to the nationality of the Church or of the burial-grounds, in the sense in which the expression had been used. A national Church, in that sense, he trusted we should never see. He denied the right of the Dissenters to the burial-grounds of the Established Church, although he admitted that they had a right of interment therein, subject to the performance over their graves of the services of the Church of England. If, however, the Churchmen could meet the views of the Dissenters by permitting the latter to use some simple form of prayer, they ought to do so. There was no protection afforded by the Bill to insure that the service should be consonant with Christianity; neither did he think that words could be used that would prohibit the use of services of an objectionable character, unless some special service were agreed upon as that which should be used by Nonconformists. The Bill provided for no control being exercised over those who might be performing the services, and actually protected those who might be conducting most objectionable ceremonies from any interference. He must confess that the language which had been adopted by the Nonconformists at their recent Conference was calculated to hinder that cordiality which he had hoped was growing up between Churchmen and Dissenters. The hon. Member for Bradford had spoken of enforcing the rights of the Nonconformists, and of refusing to accept any compromise. If that was the way in which the controversy was to be carried on, it was useless to talk of conciliation. He advocated the purchase of cemeteries, in which those who differed from the Church of England could be buried according to their own forms of ceremonial. Believing that the Bill was not calculated to promote peace or good feeling between the different religious parties of this country, he should give it his most uncompromising opposition.

MR. M'ARTHUR said, he must deny that that was a subject that affected only a minority of the population of the

country. The large majority of the people of England were in favour of the Bill; the whole body of Nonconformists were agreed in their support of it; and, he believed, thousands of the clergy of the Church of England would also be delighted if that legislation was accomplished. Whatever differences there might be among his co-religionists, they were agreed on this point. He had had an opportunity of witnessing the operation of a similar measure in Ireland, and he bore testimony to the perfect absence of religious animosity or strife in that country in connection with burials since the Act had come into force. With regard to the form of service under the Bill, that was provided for by one of the clauses, which laid down distinctly that the service should be of a decent and solemn character; but it was absurd to suppose that the service of the Church of England was the only one that was proper to be performed on such occasions. He believed that many of the fears that had been expressed as to the operation of the Bill were purely imaginary and could never be realized; and he was convinced that, if passed, it would work, in the fullest and widest sense, for the best interests not only of the country at large, but also of the Church of England herself, and would tend to remove many of the differences that now existed between the Established Church and the Nonconformists.

MR. CUBITT complained that while the speech of the hon. Member for Bristol (Mr. Morley) had been most conciliatory, that of the hon. Member for Bradford (Mr. Miall) had threatened to create a greater division than ever between the Church of England and the Dissenters. The hon. Member for Berkshire (Mr. Walter) took a very hopeful view of the matter, and had expressed his willingness to support the Bill, on the supposition that some short form of service would be agreed upon for use by the Dissenters in the churchyards. It must, however, be recollectcd that the Bill did not propose to deal merely with Christians, but left Secularists to use what burial ceremonies they might think fit to adopt. He held in his hand a copy of a public notice which had been issued by the Committee of Management of the Northampton General Cemetery Company, which was to the effect that no funeral attended by a procession, nor any funeral which, from any circum-

stance, was likely to attract a large concourse of people, should be permitted from the date of the notice in the cemetery on a Sunday. And yet it was sought by this Bill to deny to each parish the power that was possessed by the Cemetery Company of Northampton. He believed that the Bill contained the elements of a compromise which might be accepted, and this could be arrived at by making the provisions for giving burial-grounds to Dissenters compulsory. He should, however, continue to oppose the Bill in its present shape.

MR. A. W. YOUNG said, that in his borough he had found upon examination that the Dissenters had 18 places of public worship to three of the Church of England, and the attendance of persons belonging to the Nonconformist Bodies was 2,000 as against 400. No Bill, therefore, could more deeply interest his constituency than the one under notice. Under the present law no one could deny that many unseemly scenes took place. Children had been buried with the burial of a dog—a state of things not likely to tend to the peace and harmony of the neighbourhood, or to the credit of the Church of England. He thought that as the House had more than once adopted the principle of this measure the Government ought to have taken the matter up and have introduced this Bill themselves. He did not see how a compromise was to be arrived at, because the question in dispute was one of service or no service. He trusted, therefore, that the House would not refuse its support to the Bill.

MR. F. S. POWELL said, that he should be glad to give his vote to any measure founded on justice that aimed at the remedy of a grievance, the existence of which had been acknowledged by so high an authority as the Bishop of Winchester, but he was unable to support that measure. In a few weeks there would probably be another Bill before them, on which occasion the whole question might be considered, and he hoped that it would be found to contain the elements of a compromise, by which this acknowledged grievance of the Nonconformists might be remedied. He could assure the hon. Gentleman opposite (Mr. Miall) that no desire existed anywhere for the burial of any persons with the "burial of a dog." Any such idea was certainly wholly abhorrent to hon. Gen-

tlemen on that side of the House. But he believed that he should not be contradicted when he said that there were many denominations of Christians, and more especially the Presbyterians in the northern Province of Great Britain, with whom it was the practice to conduct the burial service in the house and not at the brink of the grave; and no one could honestly say that, when Presbyterians and others had adopted that course, the burial had been that of a dog. There were great difficulties on the face of the Bill, apart from those inherent in its principle. It furnished no definition of the word "religion"—no explanation as to what was to be considered religious or irreligious; there was no remedy against any disorders which might arise, and its ambiguity in other points was such as ought not to be found in a measure of such gravity, and to which so much importance was attached. They had all heard the speech of the hon. Member for Bradford. The hon. Member had confessed that he cared little for the Bill, but that he cared a great deal for what was beyond it. Well, he (Mr. Powell) said the same. He, too, cared very much for what was beyond the Bill—and for that reason, if for no other, he intended to oppose it. The hon. Member for Bradford was the leader and spokesman of the "Nonconformist" Body, and what he had said on the subject doubtless represented correctly enough their views. He could not but regret the tone that the hon. Member had imparted to the controversy. He had conjured up from the grave the odious spectre of religious dissensions and of strife between Christian men. The Bill was welcomed by that hon. Member as a step towards the disestablishment and disendowment of the Church of England, and he (Mr. F. S. Powell) should certainly oppose the second reading of it as such.

MR. OSBORNE MORGAN, in reply, said, he wished sincerely to thank the hon. Member for Berkshire (Mr. Walter) for the speech he had delivered. While willing to accept any reasonable suggestions for the improvement of the Bill, reconcilable with its principle, he did not desire to catch votes through any misapprehension, and he could not accept the proposal of the hon. Member for Gloucester (Mr. Monk), to authorize interments without a religious service,

which would simply be a perpetuation of the Nonconformist grievance. As for the proposal of 1862, Parliament had got a long way ahead since then. We had abolished church rates; we had abolished University tests—let us get rid, then, of this last rag of intolerance, for which, perhaps, there was less to be said than for the other ecclesiastical grievances which had disappeared before the growing liberality of the times.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 179; Noes 108: Majority 71.

Main Question put, and agreed to.

Bill read a second time, and committed for Tuesday next.

REGISTRATION OF BOROUGH VOTERS BILL—[BILL 15.]

(*Mr. Vernon Harcourt, Mr. Whitbread, Sir Charles Dilke, Mr. Collins, Mr. Henry Robert Brand, Mr. Rathbone.*)

SECOND READING.

Order for Second Reading read.

MR. VERNON HARCOURT, in moving that the Bill be now read a second time, stated that it passed through Committee last year, and was substantially in the form settled by a Select Committee composed of Members of both sides of the House. With regard to the selection of the registration officer, he had accepted the Committee's decision, though it was not what he himself preferred. The object of the Bill was to simplify registration, and he might safely say it had no party purpose whatever. He would conclude by moving the second reading, and should be glad of any Amendments calculated to improve the measure, from whatever part of the House they might come.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Vernon Harcourt.*)

MR. WHARTON said, he should move that the Bill be read a second time that day six months, on the ground that it contained a clause providing that in boroughs, corporate bodies should have the selection of their own registration officers. That clause he had opposed in Committee last year, and he had seen no alteration now which justified him in discontinuing his opposition.

your Lordships may not have realized the importance of this view of the case? It is not too much to say that this Court of Appellate Jurisdiction is the main link of connection between England and the Colonies; it is not too much to say that it is the main link of connection between England and our Indian Empire. Whenever in any of those distant dependencies the Natives have felt aggrieved by the decision of a local Court, they have also felt confidence in the thought that there was a Court of Appellate Jurisdiction in this country to stand between them and the tribunal with whose decision they were dissatisfied, and to do them right. They believed that this Court of Appeal was free from all prejudice and above all suspicion, and that at its hands they were sure to receive justice. But, if once you shake that confidence—if once you convey to the minds of the Natives the idea that in the constitution of this Court you are straining a point to evade the spirit of one of your own Acts of Parliament—you will have dealt a blow at the loyalty of your colonial dependencies, heavier perhaps than any that could be struck at it by any foreign foe.

But, my Lords, there are other circumstances which add greatly to the gravity of the case. To illustrate this position, I ask your Lordships to consider not only the course taken with the Bill last Session which was passed, but also that taken with respect to the Bill introduced in 1870, which was not passed. Now, under the Bill of 1870, the Attorney General would have been eligible—the qualification was wide enough to admit any barrister of 15 years' standing, and the Attorney General would have come in under that clause. When Mr. Secretary Bruce spoke in defence of this Bill, upon its going into Committee on the 8th of August, 1870, he especially adverted to the clause giving power to appoint as members of the Judicial Committee, barristers of not less than 15 years' standing; and, he added—

"To this clause he was aware that very general objection was taken among members of the legal profession."

That objection was strongly urged in the debate which ensued. Mr. Watkin Williams, who took the lead in it, said—

"He entirely objected, as a rule, to appointing men to the highest Court of Appeal who had not proved by service on the Bench"—on the Bench

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observe—"that they possessed temper, judgment, discretion, patience, and those judicial qualities"—judicial qualities observe—"which could only be tested by actual experience."

After these and other such objections a division was taken on one of the clauses, when there appeared for it 38, and against it 36—a majority for the Government, therefore, of only 2; and upon this, at that late period of the Session, the Government at once withdrew the Bill. Now, my Lords, in the next Session, on introducing the new Bill to the House of Commons, Sir Robert Collier, then Attorney General, speaking on August 5, 1871, took credit to the Government for having omitted the opening to barristers of 15 years standing—

"The provisions of this new Bill," he said, "are very much what had been indicated by some Members of the House last Session as the description of a measure which would satisfy the exigencies of the case—the appointment being limited to persons who might be assumed to be of high judicial authority."

The Bill was passed on the assurance thus given. That being so, it might seem absolutely beyond belief that Sir Robert Collier should be the man in whose favour the principle then laid down should have been violated. And, my Lords, referring to this limitation of the persons eligible for the appointments under the Act, I think there may be very good reasons why the Attorney General of the day should not be appointed. In selecting men for high judicial posts all Governments naturally choose men of the highest judicial qualities; but in the case of an Attorney General it is not to judicial qualities or high legal attainments alone that a Government has to look. It must ask itself whether this man or that, if appointed, will be able to secure or retain a seat in the House of Commons; and if the answer be in the negative the best man for the post may be passed over. Therefore, my Lords, I can see very good reason why, in the discussion of the Bill of 1870, exception should have been taken to the clause making all barristers of not less than 15 years' standing eligible for these appointments, and, consequently, I can see reason also for the Government having taken credit to itself last year for restricting these appointments to persons of judicial standing.

But there is another point which carries the case still further against the Government. It is that the Act of last

year was an Act of the Government itself—framed by its own Administration, and passed at its own instance. Now, I confess, that appears to me greatly to aggravate the case. If the Act had been passed by a former Administration I could not have held the Government free of blame, but still Ministers might have to some extent explained and set forth their motives. They might have said—"This Act was passed by our adversaries; we did not approve it, and therefore we felt that we were not bound by the spirit in which it was framed." But here I say emphatically—"It is your own Act which you are evading." Let me put the case to the noble and learned Lord on the Woolsack, with this dilemma—if the Act is defective, what excuse have you, the framers of it, for your negligence in framing it? If the Act is not defective, what excuse have you for your presumption in seeking to evade it?

Well, now, my Lords, the Act having passed in this manner, it was open to the Government to select one of the Judges to fill one of the places created by it. There were several Judges who might have been selected with great advantage to the public. I will take the liberty of saying that if the first choice had fallen on Mr. Justice Keating, you would have had a Judge for the Appellate Jurisdiction of the highest integrity and distinguished for his legal acquirements. Again, I will say that if the choice had fallen on Baron Martin, he would have adorned that station as he would any other legal one to which he might have been appointed. But, as far as I have heard, no application was made to either of those learned Judges. In naming these two your Lordships must not understand me to convey that there are not others who are present to my mind, and who are highly qualified for the office. I should like to know what was done in respect of making applications to the Judges. I have heard that there was some difficulty arising from that restrictive economy which disregarded the prescriptive system in regard to the Judges' clerks, who would have suffered in their interests had any of those learned Judges been transferred to the Judicial Committee of the Privy Council; but be that as it may, when the Government had to make this appointment it wanted only three months to the usual period of

the meeting of Parliament, and if any difficulty had arisen in respect of the due execution of the Act, I ask whether it would not have been a thousand times better for the Government to wait and submit the difficulty to Parliament, rather than adopt a course in direct violation of the spirit and intentions of the statute? Well, then, my Lords, if there was no lack of persons legally qualified for the office, I ask myself what possible excuse can be made for the conduct of the Government in passing these persons over? Perhaps it may be alleged that the merits of Sir Robert Collier especially qualified him for the office, despite the restrictions in the Act of Parliament. Now, my Lords, I entirely refuse to discuss the merits of Sir Robert Collier. They may be great—I do not deny them, and I have nothing to say against them; but they have nothing to do with the question. When you have to debate the fairness or the unfairness of the mode of appointment, it is quite beside the purpose to allege the merit of the person appointed. Let me give an instance, to make my meaning more clear. Your Lordships will remember that under the old system in France, and under the old Parliaments of Paris and of other great French cities, magistrates purchased their offices, and that men of such high eminence as D'Aguesseau and Malesherbes were magistrates when that system prevailed. But supposing, for the sake of argument, that anyone desired to introduce into England the system of obtaining magistrates, as we lately did obtain commissions in the Army, by a system of purchase, would it not be necessary to defend that system on its own merits, real or supposed, and would it be held sufficient to say that under it France had such magistrates as D'Aguesseau and Malesherbes? But why need I go beyond our own country, or even beyond the walls of this House for an illustration of the distinction I am urging? Let me take from this House an illustration of the principle of not considering the merits of the individual when discussing a course of legislation, or the merits or demerits of a system. Let me remind your Lordships of what occurred 16 years ago. When the Crown was advised to exercise its questionable power and create Peers for life, Lord Wensleydale was selected as the person on whom the experiment should be tried. Did

anyone doubt that he was an accomplished gentleman, and one on whom the Crown might confer any distinction? The system of life Peerages was opposed; but did anyone who supported it venture to allege as an argument in its favour the merits of Lord Wensleydale? He was a good lawyer, and a most competent judge, and we were all much pleased to see him amongst us; but his qualifications had nothing to do with the question of life Peerages; it therefore never occurred to any of us to inquire into the merits of Lord Wensleydale, but only to determine whether the action of the Crown was legal or not. Therefore, my Lords, if the question of the merits of Sir Robert Collier is put forward in this debate I, for one, shall refuse to discuss it. I do not deny his merits. That I wish to be distinctly understood; but I do deny that they have anything to do with the question before your Lordships.

I come now to another point, and, as I think, a material one. It may be asked, what has been the opinion of the Bar and of the legal profession on this appointment? I was much struck many years ago when I first read a remark of an eminent French statesman of the reign of Louis XIV. He said that no man ever really or permanently loses his reputation in the world, provided he keeps it in his own profession, in his own assembly, and in his own walk of life; and that, on the other hand, no man keeps his reputation long in the world if he loses it in his own profession, in his own assembly, and in his own walk of life. Now, if that remark be just, let us see what is the opinion of the legal profession on the appointment of Sir Robert Collier. On this point, again, I will take the liberty of citing the words of the Lord Chief Justice Cockburn in his first letter to Mr. Gladstone. He says—

"I ought to add that from every member of the legal profession with whom I have been brought into contact in the course of the last few days I have met with but one expression of opinion as to the proposed step—an opinion, to use the mildest term I can select, of strong and unqualified condemnation. Such I can take upon myself to say is the unanimous opinion of the profession. I have never in my time known of so strong or universal an expression—I had almost said explosion of opinion."

My Lords, as far as my observation goes, I can confirm the remarks of My Lord Chief Justice. I have the honour

to be acquainted with many members of that distinguished profession, and I have found—I will not say a unanimity, but a very great preponderance of opinion against the propriety and the justice of the appointment. I know there is a letter on the other side from Mr. Justice Willes, in reference to which I will only say that even in the opinion of the warmest friends of that distinguished man, that hasty letter is not likely to add to his well-earned reputation. Beyond all question the opinion of the Bar as a whole is against the course taken by the Government.

Then, my Lords, I think there is another light in which this question may be regarded, and especially in this House. I allude to the honourable understanding and the reliance on each other's word which have always existed between the Leaders on opposite sides, and by which, I venture to say, the conduct of business in your Lordships' House has been much facilitated. Among the many qualities which distinguish my noble Friend the Secretary for Foreign Affairs, and which qualify him for the Leadership on his side of the House, there is this one—that we have always felt we might place the most implicit reliance on any statement of his—that whatever he said would be performed, and that there was no danger that his promises would not be carried out to the very letter. Now, that has been of the utmost service to him in carrying measures through the House. And I think I shall not be saying too much if I venture to claim credit for the same quality in my noble Friend (the Duke of Richmond), who leads the Opposition. Even his opponents admit that he is the very soul of honour. Anything he says, even in the most general terms, you may as implicitly rely on as though his words were a deed with his seal and signature. That, in my opinion, has facilitated the conduct of business in this House. But how long, I venture to ask, would a feeling of mutual confidence as between parties continue if this sort of *Nisi Pruis* practice, these legal pretences, these colourable qualifications, were to become the rule?

It was under the circumstances I have brought before your Lordships that the Lord Chief Justice, on the 10th of November last, addressed a letter to Mr. Gladstone on the subject. It is very extraordinary, but Mr. Gladstone does

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not seem to have read the letter. He answered it on the same day it was written; but he scarcely could have read it, because he entirely mistakes its contents. He says—

"As the transaction to which your letter of this day refers is a joint one, and as the completed part of it to which you have taken objection is the official act of the Lord Chancellor, I have transmitted the letter for his consideration."

But in fact, "the completed part of the transaction" was one to which the Lord Chief Justice had made no objection at all. It was the nomination of Sir Robert Collier to a Judgeship of the Common Pleas; and the Lord Chief Justice found it necessary, in a second letter, to explain to Mr. Gladstone that he hailed that nomination with pleasure, and would most gladly welcome Sir Robert Collier as a colleague on the Bench. It was only the uncompleted part of the arrangement—namely, the immediate transfer in contemplation of Sir Robert Collier to the Court of Appellate Jurisdiction, that the Chief Justice had felt himself bound to reprobate. Now, when Mr. Gladstone replies on such an erroneous basis, am I not justified in saying that he cannot have read the letter at all, or else must have adopted the very unusual plan of answering it first and reading it afterwards. Mr. Gladstone, having disposed of the Lord Chief Justice in this way, by sending the correspondence to the Lord Chancellor, I will take the liberty of finding one or two faults with the course taken by the noble and learned Lord. I think, in the first place, that his conduct was marked by great discourtesy, and that the objections taken by the Lord Chief Justice ought not to have been dismissed in so summary a way. Why, he is the Lord Chief Justice of England—one who is entitled to speak in the name of the Bar, who fills his high office with universal approbation, who, by choice of the Government of the country, was appointed to one of the highest and most responsible legal offices that any man can hold, who had just been named to represent this country at the Court of Arbitrators which it is proposed to hold at Geneva. There can be no more responsible position than this—no question in which the country is more deeply interested—yet when the Lord Chief Justice applies to the head of the law for an explanation of what he considers to be an evasion of the law, the Lord Chan-

cellor, in the plenitude of his own wisdom, treats him with what appears to be a marked want of courtesy, and will not give him the explanation he seeks. That when this charge of evading an Act of Parliament was brought against the head of the law he should not be willing to explain his conduct without delay is of course a matter for his own consideration; but, speaking for myself, I must say that if a charge of malversation were brought against me in respect of any of the societies or public institutions with which I am connected, I should not be disposed to say to my accuser, like the Roman governor, "At a more convenient season will I speak to thee." But the noble and learned Lord deferred his explanation till he could make it in this House, and now I hope he will give your Lordships a full account of this strange affair. I have already told your Lordships what several other persons thought of the Lord Chancellor's conduct; but what will your Lordships say if I am able to give, in the noble and learned Lord's own words, his own opinion that it merits the highest condemnation? Fortunately, I need not leave your Lordships in the dark on this point, because I can supply you with the opinion to which I have just referred, from a Paper laid before the House of Commons and ordered to be printed by an Order of the 15th of April in last year. It is the Third Report of the Committee on Public Accounts. The noble and learned Lord on the Woolsack was requested to attend and give evidence before that Committee, and he courteously did so. The Right Hon. George Ward Hunt was the Chairman, and when the noble and learned Lord was under examination, Mr. Hunt referred to a statement as to the so-called clerks of report. The right hon. Gentleman thus alluded to it—

"It says:—'In the Report Office, by the provisions of the 18 and 19 Vic., cap. 134, sec. 12, the clerks of reports are to receive for salaries only the sum which, if equally divided among all such clerks, would admit of a salary of £250 for each of them. The clerks actually receive an average of £305 per annum, but by giving to the messengers of this office the title of assistant clerks, the exact letter of the Act as regards the aggregate drawn for the clerks is observed.' It was stated that the title of these gentlemen was altered about two months subsequent to the examination of the account by the inspector acting for the Comptroller and Auditor-General, and the suggestion was that the alteration was made in

the title in order to enable the provisions of the Act to be observed to the letter."

What reply does the Lord Chancellor give to that?—

"The suggestion is an imputation of a very gross abuse, for which I should deserve to be impeached—namely, observing the letter of an Act of Parliament, and breaking in every way the spirit of it."

Would it have been believed, if this were not on record, that the noble and learned Lord who uttered those words would have been one of the first to break the spirit and intention of an Act of Parliament while adhering to its words? After this I am sure he cannot complain of the proceedings of to-night. He must think a Vote of Censure a very tame affair, since, according to his own account, he would deserve to be impeached.

Such, my Lords, is the case that I have desired to lay before you. I have done so only from a sense of duty—mistaken, perhaps, but certainly sincere; and I have done so not without some feelings of pain. I cannot, indeed, claim the honour of personal friendship with the noble and learned Lord on the Woolsack, yet in society we have always met on amicable terms. He has shown me sentiments of good-will, and I, on my part, have endeavoured to evince towards him the respect and esteem which his character justly demands, but this is a case which rises far above the level of personal considerations, and, I will add, also, far above the level of party ties. Amid the merits of an hereditary Chamber, such as that which I am now addressing, there is one that has not always been sufficiently urged. We are most of us free to vote as we think right. We have not been elected to our seats amid buzzes for Mr. Gladstone, nor compelled to give a promise that we would on all occasions vote with that great man. Hence it has often happened that, while a party decision might be confidently relied on in "another place," we in this House have been able to vote, and have voted, with entire independence. Such, I hope, will be your course to-night. Such, I am sure, is the course expected from you by that public, which will think not only three times, as Mr. Gladstone said, but much more than three times three, before it consents to divest you of those privileges which, thus far, and on the whole, I venture to think, you have worthily exerted and maintained.

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Moved to resolve, "That this House has seen with regret the course taken by Her Majesty's Government in carrying out the provisions of the Act of last Session relative to the Judicial Committee of the Privy Council, and is of opinion that the elevation of Sir Robert Collier to the Bench of the Court of Common Pleas for the purpose only of giving him a colourable qualification to be a paid member of the Judicial Committee, and his immediate transfer to the Judicial Committee accordingly, were acts at variance with the spirit and intention of the statute, and of evil example in the exercise of judicial patronage."—(The Earl Stanhope.)

LORD PORTMAN, who had given Notice to move an Amendment—

"That this House finds no just cause for passing Parliamentary censure on the conduct of the Government in the recent appointment of Sir Robert Forrest Collier to a Judgeship of the Common Pleas and to the Judicial Committee of the Privy Council."

said:—My Lords, during the fifty years I have been in Parliament I have experienced the greatest kindness from both sides, and therefore I know that I need not ask your Lordships to extend to me on this occasion that same indulgence which you have been good enough to show me on all others. But I stand here in a peculiar position, having for a considerable time ceased to take any active part in political contests. During a long period of my Parliamentary life—during the times of Lord Althorp, Lord Melbourne, and Lord Palmerston, I was a strong party man; but since the death of Lord Palmerston I have ceased to be a party man at all. While the system of proxies existed, the withdrawal or withholding a proxy from a party proclaimed to the House the cessation of party ties; but now I can only thus make known to your Lordships, which is known to my private friends, since the death of the last lamented noble Lord I have withdrawn from party strife, and I may truly say that since that time I have simply voted for such measures as I believed to be good for the public interest, or calculated to advance the common welfare. If I had been a party man at this moment, bound to allegiance to the present Government, I could not have undertaken to move this Amendment; but I believe that in the neutral position I now occupy my motives in moving it cannot be liable to misconstruction, because I move only on behalf of those who desire to appeal to the justice of your Lordships. My Lords, the noble Earl who

has moved this Resolution has told you that in this House we are all free to vote as we think right, and he has told you how, in his opinion, you ought to exercise that freedom. My Lords, if you are to regard this question as a party one, and to regulate your judgment in accordance with party ties, he may be right; but if you are about to give judgment in accordance with the principles which guide judicial tribunals you will hear the man whose conduct is arraigned before you decide on condemning him. At present the noble Earl is the only man in this House who is pledged to give his judgment against the Government, whether they are guilty or not; every one else is free to give his opinion as he shall think fit after hearing both sides of the case; and I need not say that the first rule of conduct which ought to guide those who are engaged, even in the humblest way, in the administration of justice, is to hear both sides. That has been the rule with the small tribunal to which, as a country gentleman, I have been accustomed. I remember the time when common sense rather than excessive talent regulated human affairs. It seems to me that we are now living in days when we are guided by professors in all sorts of things, and when excessive talent is to be found everywhere predominant—in Parliament and out of it; but that common sense is now obliged to hide her diminished head. It may, therefore, have been only an old-fashioned notion of mine to think that before giving judgment we ought to hear both sides. Evidently that is not the idea of the noble Earl (Earl Stanhope), because he has pronounced his judgment upon a Lord Chancellor without having heard anything but what he was able to gather from newspapers and letters. I admit that in acting thus he has followed a great example, because the Lord Chief Justice of England pronounced a condemnatory opinion on this case before he had heard both sides. It is not for me to speak ill of the Lord Chief Justice, though I lament his writing the opinion of the whole Bench and Bar, when I know the fact is not correctly stated by him. I have not done anything like that, at all events. Before I was asked to move this Amendment I was invited to hear a statement from the noble and learned Lord on the Woolsack,

in order that I might make up my mind as to whether I could put upon the Paper such an Amendment as that of which Notice has been given to the other House of Parliament by Sir Roundell Palmer. I went to the Lord Chancellor's room wholly impartial in the matter—I went fully impressed with the determination that, if the case was such as it had been represented to be, I would have said what I have sometimes heard counsel recommend—"The facts are against you, the law is against you; cry 'Peccavi,' throw yourself on the mercy of the court." But I am prepared to say that, after I had heard all the circumstances of the case, my opinion was that it was not one for a grave sentence by this House condemnatory of the Lord Chancellor in the terms of the Motion of the noble Earl opposite, but was a case in which your Lordships ought to have put before you an alternative proposition. Such a proposition I place before you, confident that you will consider it carefully, and that if, on hearing the whole of the circumstances, you feel the course I ask you to adopt to be the preferable one, you will refuse to vote for the Resolution moved by the noble Earl. My Lords, perhaps I may be allowed to say a few words more in explanation of the confidence I feel in asking your Lordships to adopt the Amendment. If rumour on this occasion be true, and if this is to be a great party vote, then, indeed, I fill something like the position of the leader of a forlorn hope. If, on the other hand, it is to be, as I hope it is, a judicial proceeding, I feel great confidence in the honour and justice of the House. But I must say this—that I cannot but feel the noble Earl ought to have taken a different course from that he has pursued, and have placed your Lordships in a much better situation before he moved such a Resolution as that which is now before the House. It would seem that nothing is to be heard from one side before it is condemned; but formerly, when moving for Papers, it was usual to put questions to the party whose conduct was impeached, and so give him an opportunity of stating his case if he thought fit to do so. If the case so stated by him was not deemed satisfactory, the person moving for the Paper said—"I am not satisfied with the case you put before me, and I shall proceed to move a Vote of Censure." It seems

to me that is the only fair and courteous plan, but it used also to be the Parliamentary mode of procedure. But the noble Earl has adopted a different line. He gave simultaneous Notice of his intention to move for Papers and to move a Vote of Censure, although he knew nothing of the possible answer. He is strong in history; he is of great fame as an historian; but he seems to me to be singularly inexperienced in the first principles of fair play, and in the commonest rules of administrative justice. I trust that I shall never be a culprit brought before him. It would not be agreeable to find yourself condemned before you had even been asked to offer your defence. In truth, the tendency of the noble Earl's mind is to condemn everybody—a course that saves the trouble of discrimination. He not only condemns the Lord Chancellor and Mr. Gladstone on the *ipso dixit* of the Lord Chief Justice, but he has also undertaken to assure us that Mr. Gladstone never read the letter of the Lord Chief Justice. How does he know that? He is without the slightest shadow of evidence to support the assertion; and I think that, after such a specimen of his readiness to arrive at conclusions on no solid ground, your Lordships will be inclined to view his other conclusions with considerable distrust. I must say that this Motion of the noble Earl is most ill-timed. If he had been prepared to impeach the noble and learned Lord on the Woolsack; if he were prepared to carry to its natural conclusion the language he has used when he accuses the noble and learned Lord of malversation of office and of corrupt motives—

EARL STANHOPE: I beg to say that I never imputed corrupt motives.

LORD PORTMAN: Your Lordships will remember the language of the noble Earl, and it will be for you to say whether my description of it is correct or not. He said that the act of the Lord Chancellor and the Government was an evasion of the intentions of Parliament. What was that but imputing corrupt motives? [Earl STANHOPE: No, no.] Well, if the noble Earl says "No," I have no desire to misinterpret him; but this I will say, that if the Lord Chancellor and the Government are guilty of what he alleges no time can be out of season for bringing the case under the notice of Parliament. But when he

shrinks—as it is natural that he should do—from that step; when his accusation dwindles down into a censure, grave enough, indeed, and heavy to be borne, but still no way comparable to impeachment, then I say that the time is very ill chosen. He has spurned the wise Fabian policy of a noble Earl near him (the Earl of Derby) and has rushed eagerly to the battle. The charge is made at a very bad time if the noble Earl is a patriot, but at a very good one if he is only a party man. If the Motion is moved in the interest of party, I repeat that I am leading a forlorn hope; but I would venture to put a few considerations before your Lordships before you agree to it. First, I would ask the noble Earl a question which it may be presumed he has already turned over in his mind. If this is a party movement, is he content to pursue it to its natural consequences? Is he prepared to form a Government, or to take a leading place in a new Government, in the event of the movement being successful? Because in my time, when a man came forward in the way the noble Earl has come forward, it was supposed to imply that if he took upon himself to remove the existing Government, he was prepared to take upon himself the formation of a new Administration, or to be ready to accept a prominent post in a fresh Cabinet. I must say it seems to me that a mind constituted as the noble Earl's is can scarcely be thought to be adapted to a Prime Minister of England. The noble Earl evinced a great anxiety on behalf of India—he laid a great stress on the importance of the Judicial Committee of the Privy Council as a main link of our connection with India, and argued that the appointment of Sir Robert Collier was a serious injustice to that country. But, so far from that being the case, the greatest regard has been paid to Indian interests. Does he know that Sir John Colville, a man of great knowledge of India, is on that Committee, and that there is Sir Barnes Peacock to be appointed when his day comes—delayed only until the appeals from his judgments in India are disposed of? India, therefore, seems in little need of the consideration of the noble Earl; and in regard to the Colonies, I think your Lordships are satisfied that there is no ground for complaint. The pith of the clause to which the noble Earl alluded

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was that barristers of 17 years' standing were not to be appointed, the objection being that men who might be unfit ought not, by virtue of mere standing, to be taken from the Bar, and appointed Judges. But that is not an objection which applies to an Attorney General. It is said that the Bill was passed upon some assurance given by Sir Robert Collier. That assurance, however, whatever it may have been, was given with reference to the Bill which came down from this House—a very different Bill from that which ultimately passed into law. The noble Earl says that the office of Attorney General confers no legal qualification for promotion to the Bench. Does the noble Earl forget that if either of the Chief Justiceships become vacant, the Attorney General steps into the office? And if, *quid* Attorney General, he is fit to be Lord Chief Justice, how is it that his office of Attorney General becomes a disqualification for judicial duties elsewhere? I maintain that the Chief Justiceship of the Queen's Bench, or of the Common Pleas, is a place as important to fill as a seat upon the Judicial Committee of the Privy Council. And if the Attorney General is qualified by his legal attainments to occupy one of these high legal positions, it seems to me that his diversified experience, the difficult matters to which from day to day he is called on to give his attention, the communications which he must necessarily hold with all sorts of men on all sorts of topics, render him much more likely to be a fit occupant of a seat at the Judicial Committee than a *puisne* Judge, however eminent he may be in his own Court; but the noble Earl says he declines to admit any question of fitness in this case—that may suit his present view, because all admit that Sir Robert Collier is fit; but what would he have said if he had been unfit? I am entitled to take credit for the good selection of a fit man. The noble Earl went on to say that the evasion of the statute by the Government was peculiarly aggravated by the fact that the statute thus evaded had been passed by the very Government who had set it aside. If it had been an Act passed by the noble Lords opposite, the noble Earl, I suppose, would have held them excused.

EARL STANHOPE: I said that the conduct of the Government was inexcusable; but that if this Act had not

been passed by themselves it might have been explainable.

LORD PORTMAN: Well, I am glad to hear that the noble Earl concedes that under any circumstances such an appointment could have been capable of explanation. Whether in the present case it is excusable or not your Lordships will decide, but at all events the noble Earl admits that there could have been a loophole of escape if the appointment had been made by the Conservative party. The noble Earl spoke of Mr. Gladstone in a manner that was a little remarkable. I think he called him a great man; but he seemed to think him something more—as if there was something abnormal, irregular, or unnatural in his greatness. I dare say some of your Lordships recollect, as children, to have been frightened when you were naughty at the threat of the nurse that "Bony" was coming. The conqueror of Europe was a veritable bugbear to the children of that generation. It rather seems to me sometimes as if Mr. Gladstone is to be the bugbear of the next one, and that he is already haunting the mind and oppressing the imagination of the noble Earl. He appears to regard him, like the personage we read of in Hookham Frere's "*Anecdotes*," as a terrible fellow, caring for nobody, capable of taking the most distinguished persons by the nose, and the noble Earl seems to think that such an experience might befall him at the hands of the Prime Minister. I must say I think it unwise to hold up any man in this country as being above the rest of mankind. We are all but men, and must use such lights as we have, and make the best of them; but we are free men, and should speak our minds and not be alarmed by anyone. Mr. Gladstone acted under the advice of the Lord Chancellor, and he interposed only when he thought the Privy Council appointment should not be "hawked about."

My Lords, the motion of the noble Earl invites your Lordships to declare that you have seen with regret the course taken by Her Majesty's Government in carrying out the provisions of the Act of last Session. Well, but three appointments have been made under it; and at any rate two out of the three are admitted to be not only unobjectionable, but praiseworthy. It is only respecting the selection of Sir Robert Collier that every-

body appears to have his doubts. Sir Montague Smith made known to the Lord Chancellor that he was willing to accept the office. [Lord CAIRNS dissented.] Well, the Lord Chancellor notified it to the Prime Minister. [Lord CAIRNS again dissented.] I confess, my Lords, that I am not at all well up in these small matters of form; but at all events Sir Montague Smith was appointed, and Sir Montague Smith is an eminent Judge. When in Parliament he was opposed in politics to the noble and learned Lord; but that made no difference. He took the best man who was willing to accept the office, and appointed him. As to Sir John Colville's appointment, nobody seems to have a doubt. I hope your Lordships will have as little doubt with regard to Sir Robert Collier when you hear the case. The noble Earl's Motion goes on to speak of his elevation to the Common Pleas as a thing done with the object of giving him a colourable qualification. Well, if we admit that the Lord Chief Justice and the Chief Justice of the Common Pleas hold that belief, on the other hand Mr. Justice Willes—a Judge of great experience, in spite of what the noble Earl says about him—holds a different view; he maintains that the appointment was not colourable. ["Hear!"] At least, he says that "no lawyer upon an impartial construction of the Act could presume the appointment to be otherwise than lawful." ["Hear, hear!"] The Lord Chancellor, therefore, is fortified in his opinion that this is not an illegal act or an evasion of the law. It is perfectly possible that he and Mr. Justice Willes may be mistaken, and that the two Chief Justices may be quite right; but obviously it is a matter of doubt. Moreover, I believe I am right in saying that others of the judges coincide in the view of the Lord Chancellor and Mr. Justice Willes; and I am told, upon perfectly good authority, that there are many other eminent men in the legal profession who do not hold the same opinion as the noble Earl. It is not for me to set off one body of lawyers against another, but it is plain that it is a matter which cannot be settled otherwise than by a judicial tribunal. But suppose even that there has been a misinterpretation of the law, or an error of judgment, is the case one for grave Parliamentary censure? I am old enough to remember the time when Lord

Brougham became Lord Chancellor, and made up his mind to clear off the list of arrears. Comments were freely made in public upon the haste with which he did so; but it was said in reply, that "it was better to have speedy decisions than no decisions at all." I remember on that occasion to have spoken to a very eminent man, and asked him what he thought of it. He said—"There are 50 on one side, and 50 on the other; the 50 who have won rejoice, and the 50 who have lost complain." Your Lordships may decide with those who condemn the Lord Chancellor; we shall feel with those who hold the contrary opinion. We may not have 50 against 50, because you will overpower us by perhaps double the number; but if you ever come to give your opinions judicially, I believe you will feel that you are not able to vote a Parliamentary censure for a mere error in judgment. As to the "colourable qualification," I believe you will find that some very similar practices exist without objection in reference to qualification for other offices. Before a Judge is appointed and takes his seat, there is a custom which requires him to be made a serjeant, which involves a number of years as a barrister, although that properly is a degree of honour among barristers. The object is to secure for Judges lawyers of considerable experience; but it is now well known that the practice of this operation is only a matter of form. Again, there are other customary evasions to which no objection is ever taken. Let me remind your Lordships that when a Member of the House of Commons desires to resign his seat, he can only vacate it by accepting an office under the Crown; and he accordingly applies for and accepts the nominal office of the Stewardship of the Chiltern Hundreds. I held the office myself once, when my health failed. Is this anything else but an evasion of an Act of Parliament? Yet it is never followed by Parliamentary censure. With regard to the right reverend Bench, again, a legal fiction of a similar kind—the *congé d'élections*—exists, and accompanies their election. These are all so many evasions, though they have become mere forms; but they exist and are maintained because in practice they are found to be useful, and enable good men to find their way into situations for which they are fit. If, then, in the pre-

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sent case an evasion has operated beneficially, in giving a good Judge of Appeal in the new Appellate Court, I do not see that it should be viewed in the serious light in which it has been presented to your Lordships by the noble Earl. In old days it used to be said, if you come to a clause full of ambiguity which could not be construed satisfactorily—"Look at the Preamble and see if that will help." But in modern days the Preamble consists only of one or two lines, and so Courts of Law have got into the habit of saying, with regard to ambiguous clauses, that you must look to the spirit and intention of the statute. But how are these to be discovered except from the words of the statute? You cannot go and read over all the speeches which have been delivered with regard to it. "Intention" is a dangerous guide, for it leads to constructive felony, constructive treason, and other things which your Lordships' House will hardly approve. A thing, I say, may be blameable, and still not a subject for Parliamentary censure. We come to the word "paid." In this House it will not be supposed for a moment that the noble and learned Lord, in making this appointment, was capable of jobbery; but the terms of the Motion may mislead persons out-of-doors. I am old enough to know what used to be called a "job." It consisted in appointing to an office, not because a man was fit for it, but because he was nearly related to some influential person. Jobs of that description, however, are nearly at an end in the present day. Nobody will for a moment say that the Lord Chancellor ever appointed any person connected with himself who was unfit for office, or selected a soldier for an office in a Court of Law. There is another kind of job which consists in giving a larger official income to a man than he could get in any other way. But here you take the Attorney General, and you offer him a place of £5,000 a-year; whereas, if he had sat in the Court of Common Pleas he would have been entitled to £5,500 a-year, and a provision for his clerk. Moreover, as a puise Judge, he would have held office by a fixed and permanent tenure; whereas now he is bound to submit to any regulations that may be made by a future Act of Parliament. If my noble and learned Friend had wished

at any time to commit a job, he might have done so by filling up the vacancy in the Court of Queen's Bench; but this he would not do—three new Election Judges having been appointed—until it was decided that Parliament should be asked to continue the system of Election Judges. One word about the Judges. It has been said—"They combined against the Act." I do not believe it; but they had a right to do so if they pleased, as all men may now combine with impunity. I had intended to examine the remainder of the Motion, but I have already detained your Lordships at too great length, and will only add a few words with regard to the Amendment. It simply affirms that there is no case for censure; it says nothing to commit you to any opinion on the appointment. No one, I believe, will venture to assert that there has been a selection of an unfit man to fill the office, or that the Act was an illegal one. All that is alleged is that the appointment was against the spirit of the statute—in regard to which lawyers themselves differ. The Lord Chancellor, a good, Christian man, is above suspicion of wilful wrong, and before I suspect such a man of wilfully doing wrong I must have very strong evidence indeed of the fact. All that he did was openly done. No concealment that could imply wilful wrong doing can be alleged against him. The Bill, as originally framed, contemplated the appointment of old Judges; but the House of Commons altered the measure, and the Lord Chancellor, of course, had to carry out its provisions. I am not at liberty to mention names, but I may remark he did try to get three Judges to accept the appointment, but they declined to do so. He sought for others, and ascertained that they would refuse any offer. The Prime Minister then interposed, and said it was not right to hawk the office about. Was it intended to be said that the noble and learned Lord should have offered the office to everyone of the Judges before he offered it to the present holder? Was he to try to remove from any Court a Judge who was invaluable in that special Court, but might not be valuable in the Court of Appeal, simply because he must have a Judge? Your Lordships should remember that the Act is a temporary one, passed chiefly for the purpose of getting

rid of the arrears before the Judicial Committee, and therefore delay was specially to be avoided. Neither should it be forgotten that the Attorney General was entitled to succeed to a Chief Justiceship should one fall vacant during his tenor of office. Surely if an Attorney General, *quā* Attorney General, was held qualified for that high office, he may be considered qualified to be one of the temporary Judges appointed under this Act. According to the words of the Act, then, now Judges were to be Judges of the Superior Courts; but it was not specified how long they should have occupied that position. Was it to be two, three, or six months; or how long? Vice Chancellor Wickens was eligible, but he had sat on the Bench only six months. Sir Robert Collier is perfectly qualified to be the Chief Justice of the Common Pleas. If he had occupied a seat on the Judicial Bench for six months he would not have been a bit better qualified to be a member of the Judicial Committee of the Privy Council. If your Lordships are satisfied, as I am, that no law has been wrongfully, and with evil motive perverted, that the Judge appointed is fit for the office, that the best was done under all the circumstances of the case, that no unworthy job has been done, that if the proceeding cannot be wholly justified, yet that it is excusable, and therefore not a subject for grave Parliamentary censure, that such censure would be an evil example in the exercise of your party political power, then you will vote with me for the Amendment I place before you.

An Amendment moved to leave out from ("That") to the end of the motion, and insert—

"This House finds no just cause for passing Parliamentary censure on the conduct of the Government in the recent appointment of Sir Robert Portrett Collier to a Judgeship of the Common Pleas and to the Judicial Committee of the Privy Council."—(*The Lord Portman.*)

Question proposed, "That the words proposed to be left out stand part of the Motion."

THE MARQUESS OF SALISBURY: My Lords, the main burden of the, perhaps, somewhat disproportionate *præsumptum* with which the noble Lord who has just sat down prefaced his speech was to the effect that my noble Friend (Earl Stanhope), and we who support

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him, are condemning the Lord Chancellor without waiting to hear him. I cannot, however, imagine any charge more wholly unfounded; because if there is one thing which we have all desired more than another, it was to hear the Lord Chancellor speak on the subject. The Lord Chief Justice of England made a desperate attempt to induce the Lord Chancellor to give to the wondering public some reason for an act which nobody could explain. But the Lord Chief Justice of England entirely failed. The Lord Chief Justice of the Common Pleas followed suit, but he was not more successful. My noble Friend (Earl Stanhope), acting, I presume, upon some hint given at a public dinner by the Lord Chancellor that he was prepared to make his defence in this House, tried by formally bringing the matter before the House, to elicit the defence of the Lord Chancellor. But he has been as signally unsuccessful; for, instead of the Lord Chancellor defending himself, he puts up the Warden of the Stannaries to answer in his place. Now, my Lords, it is not that the Lord Chancellor has not an answer—we know that he has one, and we know that he has made a speech on the subject—but he has delivered the speech to the noble Lord in a private room. Why, instead of taking a cautious old man into his private room, does he not come and make his speech in this House? However, he prefers that the pure rays which issue from the intellect of the Lord Chancellor should not fall straight and unbroken on this House, but that they should be refracted from the brain of the noble Lord at the Table. We have been favoured by the noble Lord with a somewhat lengthened, and I have no doubt a faithful, account of all the Lord Chancellor told him in his private room. I am anxious to know exactly what that speech in the private room was, for from the account we have had of it, it was clearly a most curious production. It contained something about Bonaparte, something about Hookham Frere, and something about the late Lord Ellenborough, but very little indeed in defence of the act which the House has called into question. As far as I can understand there was a good deal of repentance in it; because we are not asked by the noble Lord who brings these tidings from the private room to say that the Lord Chancellor is blameless, but we are only asked to say

that in consideration of his general good character he is not deserving of censure by this House. I think, however, that if the Lord Chancellor were prepared to make his penitential submission to the House and plead his general virtues, public and private, in extenuation of his sentence he ought to appear in a white sheet at the bar, and not send us this penitential message by the Warden of the Stannaries. Then there was a curious shifting of Ministerial responsibility, which I confess I was wholly unable to understand, because the matter seems to have stood thus:—That the Lord Chancellor went on unchecked in his career till the Prime Minister interposed; and then the noble Lord proceeds to inform us that the Prime Minister acted under the advice of the Lord Chancellor. Now, are we to infer that as the Lord Chancellor was proceeding in his career he suddenly advised the Prime Minister to interpose and stop himself? It is quite evident that one of these distinguished men is supposed by the noble Lord to throw the responsibility on the other. But I desire to know which it is. Was it the Prime Minister who was advised by the Lord Chancellor, or the Lord Chancellor who was checked by the Prime Minister? Under the haze of this indistinct defence I gather that the burden of the case which was laid before the noble Lord—no doubt in very eloquent terms—in the Lord Chancellor's private room, was to the effect that, in the first place, there were other fictions in the English law; that, for instance, Bishops were appointed by a *congé d'élection*, that Judges were made nominally serjeants before they were made Judges, and that, therefore, it was perfectly open for the Prime Minister to treat this limitation of the statute of last year as a constitutional fiction. Well, my Lords, we must extend considerably our notions of constitutional fictions if it is to be an admitted principle that the statutes of every year become constitutional fictions the year after. We shall have considerable difficulty in keeping pace with the progress of time. Our legislation, if it grow effete in six months, will have to be renewed very often and very stringently. Arguments of that kind I feel convinced will never have any influence on your Lordships or on the public. I know perfectly well that in this country we often maintain in practice processes and conditions which are obsolete and

effete from the mere dislike of disturbing ancient associations; but these conditions have no similarity whatever with the conditions solemnly imposed by Acts of Parliament in recent times. The only other defence I could gather from the speech of the noble Lord was that Sir Robert Collier was fit for the post, and that he could not be more fit if he had been appointed prior to the passing of the Act than he was when appointed after the passing of the Act. To arguments of that kind I simply reply that we have to look at the understanding on which the Act of Parliament was passed. The understanding and the object of the Act was that men of judicial experience should sit on the Committee of the Privy Council. If, acting upon that understanding, the Government had appointed a man who had only just succeeded to the Judicial Bench, we should have said, not that it was a scandal equal to this, as there had not been merely a colourable appointment of a Judge, but that there had been an evasion of the spirit of the Act of Parliament. The object of the Act of last Session was that experienced Judges should be appointed. The whole question we have got to consider is whether the understanding which prevailed on both sides of this House when the Bill was passed, which prevailed when it was introduced into the other House by the Attorney General, and which was entertained on all sides, has been honestly kept or not. There is really no doubt as to the history of the case; and there appears to be, as far as the Lord Chancellor is concerned, no difficulty in explaining the conduct he has pursued. He desired, and that not prematurely, to reinforce the ranks of the Privy Council, for the business of that Court had become overwhelming, and it was absolutely necessary that some Judges should be appointed to it. When the noble and learned Lord came to provide the machinery for the extension of the Court, that same spirit of precipitate and thoughtless parimony which sent the *Megara* to sea in an unseaworthy condition, which has rendered the Admiralty a perfect chaos, and which has carried confusion into all other branches of the public service, had to be encountered; and salaries were offered to the Judges which were insufficient to provide for the expenses they now have to incur, and which were therefore insufficient to tempt them to desert the

positions they occupy. The noble Lord speaks indefinitely of the number of Judges to whom the appointment was offered: I think I am speaking on pretty sure authority when I say it was offered to only two Judges.

THE LORD CHANCELLOR: Three.

THE MARQUESS OF SALISBURY: Three out of all the Judges, by the confession of the Lord Chancellor himself, were all who were invited to take a position which, according to the Act of Parliament, was to be given to Judges alone. This is the admission of the Lord Chancellor himself. The truth was, it was unnecessary to go further. It was obvious that, by the salaries put into the Bill, you could not hope to tempt any of the Judges to accept it. It is a great mistake on the part of Her Majesty's Ministers, when in a spirit of ill-advised parsimony, they have passed an objectionable Act, to think they are to atone for that Act by breaking it. The truth was, it was a blunder to have passed that Act at all, and it was painful to meet Parliament, and ask them to repair the blunder, and instead of doing that they preferred to commit what has justly been called a colourable evasion of the law. That is what appears to me to be the explanation of the conduct of the Lord Chancellor. We are not impugning the conduct of the Lord Chancellor only; we are only speaking of him as a Member of the Government. When I come to consider the conduct of the Government with respect to Acts of Parliament, I am a little doubtful whether it is only a spirit of parsimony which has induced them so ostentatiously to trifle with the provisions of statutes of the realm. I happen to be connected with the University of Oxford, and in regard to that institution we have had another curious instance of the view which the Government takes of the obligations of an Act of Parliament. Last Session an Act was passed for separating the rectory of Ewelme from the Professorship of Divinity at the University of Oxford. In the course of discussion here the Lord Chancellor spontaneously offered to introduce words the effect of which was to provide that members of the Convocation of the University of Oxford should permanently enjoy the rectory, hitherto always given to the holder of a professorship, on that rectory being severed from the profes-

sorship in conjunction with which it had been held for many centuries. That was the offer which the Lord Chancellor made; I thought it a fair one, and I accepted it; and I was rejoiced to see it embodied in an Act. Well, what did the Prime Minister do the moment he saw this alteration made by the Lord Chancellor providing that a member of the Convocation of Oxford should always enjoy this rectory? He walked straight off and offered the appointment to a member of the University of Cambridge. But he said, quietly and privately, "You know the Act of Parliament says the holder of the rectory must be a member of the University of Oxford; and you must somehow become one before you hold the office." This case seems to me to throw considerable light on the appointment of Sir Robert Collier; the cases are not isolated; the facts of each indicate the continuance of one state of mind; the two operations are brought together, not by their similarity of subject, for they are in subject dissimilar, but by the similarity of idiosyncrasy in the person who performed them. Any critic of a future age reading of these two operations would at once say that both must have been conceived by the same brain—no ordinary brain; only the great brain of the Prime Minister, which the noble Lord so justly eulogized, could have conceived the idea that when Parliament said a certain officer was to be a Judge Parliament thereby meant he was to be a barrister, and when Parliament said a certain clergyman was to be a member of the Convocation of the University of Oxford that meant he was to be a member of the University of Cambridge. These are idiosyncrasies which you can possibly explain; but, at all events, you are bound to guard against them. I have no wish to impose upon the Lord Chancellor the penalties the noble Lord (Lord Portman) referred to, and to banish him to the suburbs to which he so pathetically alluded; I should be sorry to see the noble and learned Lord driving the plough, like Cincinnatus, in consequence of a vote of this House; but I do think it is necessary to mark by our disapprobation a proceeding which destroys the confidence that has hitherto existed between Parliament and the Executive Government. There are two ways of doing business. You may do it as between friends and

honourable men ; and you may do it as if you were brought into contact with the lower class of attorneys. In the first case you trust to honourable understanding with the person you deal with that the contract will be performed in the spirit in which it was concluded. In the other case you watch for every quirk to see what advantage can be taken—you stop every gap, you fill up every hole his ingenuity can possibly discover. Hitherto, dealings with the Executive Government and Parliament have been of the first order and not of the second. Now, my Lords, it would be a matter of profound regret if every time a Bill came before the House, proposing to invest the Executive Government with power, it was necessary for us to exercise ingenuity to discover by what possible contrivance the Ministry might be able to evade the provisions of the Act they were placing before us. Not only would Public Business be seriously impeded, but the honour and estimation of statesmen in this country would be seriously damaged if ever it came to pass that that was the spirit in which either House of Parliament regarded the proposals that were laid before them by the representatives of the Queen. That, my Lords, is the danger which it seems to me we run if we pass without censure the acts of the Government in this case. The noble Lord (Lord Portman) talked of resignation. It may be a disadvantage to this House that its censures are not followed by the resignation of Government; but in other respects it is an advantage, for there would be some difficulty in determining the resignation of the Government at this moment. President Lincoln used to say you ought not to change horses when you were crossing a stream. My Lords, I would add that you ought not to do so when your horses have dragged you into a bog, and when you look to them to get you out of it. It would be a serious matter if a censure of this kind were to be followed by the resignation of Government at this juncture, and I cannot but look upon it as an advantage that in the working of our Constitution proceedings of this kind can be visited with heavy censure, and yet it shall not be necessary to take the whole machinery of Government to pieces in order that it should be recorded. My Lords, the Resolution speaks of "evil example in the exercise of judicial pa-

tronage." I do not intend to set up any Puritan standard for the exercise of patronage in this country. If you chose to have party Government, you must have partisan appointments ; and it would be far worse than foolish—it would be dishonest—to blame men because they appoint officers who are of their own opinions in matters of politics. Such is the working of our system ; we may blame the system if we like ; we cannot throw blame on the men who work it ; but it is a system which requires in all things to be worked with the utmost judgment, and especially in the appointment of Judges. The judicial office is different from all others in this respect—that its efficiency depends very much on the estimation in which the holder of it is held by those among whom his duties are performed. The appointment of a Governor or an Ambassador may be one of the veriest jobs you please, but if when appointed he does his work well no bad results follow ; but if the appointment under that influence be to the judicial Bench, the mere fact of there being a flaw in his appointment is associated with that Judge throughout his whole career ; it enfeebles the whole of his judicial acts, degrades him in the eyes of those upon whom his actions are expected to produce a beneficial influence, and does away with one-half the beneficial results which ought to flow from his judicial duties. Whatever you may say of the general exercise of patronage by the Government, its legal patronage has been, on more than one occasion, open to serious censure. I am far from wishing to impute any improper motive to the Lord Chancellor ; I am ready to subscribe to all the tributes to his public and private character which the noble Lord repeated at all the pauses of his speech ; but I cannot agree with the noble Lord that it is necessary to look back 50 years to find instances of jobbery ;—in recent times there have been more appointments than one incompatible with that view. We have had one or two instances in which the legal patronage of the Government has been exercised—I do not say with impure motive, but with very little regard to the sentiments of the people and the appearance of an honest appointment. For instance, we have had the appointment of a County Court Judge, of whom the public knew

nothing except that, at an important crisis of party politics, he was the ringleader of a successful riot in Hyde Park. He may be, and he probably is, the most virtuous of men—I do not doubt he is a most learned lawyer—but that is the only event of his life which has brought him into public notice. Another appointment I may refer to is that of Mr. Homershaw Cox, who is, I dare say, a most able man. In that case a very earnest protest came from the community among whom he was appointed to act, that he was wholly ignorant of the language spoken by a large majority of the population among whom he was to administer justice. The only distinction for which this learned gentleman was generally known was that he had written very effective controversial books in defence of the Liberal party. Then, at the top of all these, you have the last appointment to the highest judicial tribunal of the realm—an old partisan and faithful friend appointed by the Ministry at a time when its fortunes were thought to be somewhat precarious, and when it might be reasonably said—"If you do not take this chance, you are not likely to get another." I say that, however pure may have been the motives by which these appointments were dictated, there was something else beside upright motive to be considered. We have a right to ask the dispensers of patronage to look at the opinion likely to be entertained of patronage exercised in such a manner and in such a spirit. I say appointments of this kind are not likely to increase the reverence which the people feel for the administration of law in this day. The Judicial Committee of the Privy Council is not only a Court of enormous importance, whose judgments not only affect the interests of millions of people in India and the Colonies, but affect also, in this country, the spiritual interests of the nation, of which many persons think more than they do of other interests; and what will be the effect upon their minds when they see that a Judge has been appointed to that Court by what they cannot but regard as a party move. My Lords, I feel that such things do not reflect honour upon the constitution of the highest judicial tribunal of this realm, and that if they are allowed to be repeated our tribunals will fall in the estimation of the people. Therefore, my Lords, I think it becomes you, the

highest court of judicature in the realm, to interfere and to prevent these things happening again, either in our time or the time of generations to come, by branding them with your displeasure.

THE DUKE OF ARGYLL: My Lords, I feel all the responsibility of being the first Member of the Government who is called upon to state the case of the Government on the questions which have arisen out of the appointment of Sir Robert Collier. For more than three months the public has been wholly possessed against us through one side of the question having been stated with great ability, but, in my opinion, with great want of candour, by a high authority of the law. We have been absolutely silent under these attacks. My noble Friend who has brought forward this Motion (Earl Stanhope) has made the statement of that fact an additional ground of blame. He appears to think that we ought to have entered into the arena of conflict in the public Press, and that there ought to have been bandied between the highest authorities of the State, and the highest authorities of the law, angry appeals to passion and to party feeling. I think we took a more dignified and more proper course when we determined that we would wait until attack was made on our conduct in Parliament, which is the great Council of the nation. So far from admitting that my noble and learned Friend on the Woolsack is to blame for not having entered upon his defence in reply to Sir Alexander Cockburn, I think he only showed a due appreciation of what was due to the great office which he holds and which he adorns, and to the Government of which he is a distinguished Member, by declining to do so. I heard with amazement from my noble Friend the position of the Lord Chief Justice quoted as demanding from the Lord Chancellor an answer to his letter. True it is the Lord Chief Justice is a great dignitary of the law; but the Lord Chancellor is a still greater dignitary of the law; and when the noble and learned Lord at the head of the law was addressed by a subordinate upon the Bench in language in the highest degree disrespectful, both to him personally and to the Government of which he was a Member, I say the noble and learned Lord was right in refusing to conde-

scend to enter the lists with him in the public Press. My Lords, this proposed Vote of Censure was preceded by a Motion for certain Papers. Now, it is not usual that appointments in the law are preceded by any correspondence whatever. But the object of the noble Earl in moving for the correspondence which in this case was known to exist is perfectly apparent. He wanted a platform for his guns. He wished, by placing a document, purporting to be a document of great authority before the House, to prejudice the question. I have a right, then, to ask, is the letter which is the principal feature in this correspondence, and which the noble Earl has made the sole text of his speech—has it the authority which it claims? From whom does this letter proceed? Is it a letter from the Lord Chief Justice of England or is it a letter from Sir Alexander Cockburn? This is a delicate investigation; but I am bound to enter into it on behalf of the Government. What does the writer of the letter say of himself? In two separate paragraphs of the letter he tells us distinctly that he writes both as the head of the Common Law of England, and as a member of the Judicial Committee of the Privy Council. It is in this capacity, he says, that he addresses first the Prime Minister, and then the Lord Chancellor. And I may here assure the noble Marquess opposite (the Marquess of Salisbury) that he is mistaken if he supposes the Government desire to put the responsibility of this appointment personally on the Lord Chancellor. I believe my noble Friends opposite do not intend this as a personal attack upon him. His noble character, which makes it an honour and a happiness to be associated with him, is appreciated by noble Lords opposite. We take this as an attack upon the Government; we defend the course pursued as that of the Government; and it is a matter of indifference whether the letter of the Lord Chief Justice was nominally addressed to the Lord Chancellor or the Prime Minister. But to return to the character in which the letter assumes to be written there is another part of the letter which I shall quote—

"Under these circumstances I have no right, as Chief Justice of England, to communicate to you what I know to be the opinion of his profession at large."

Here, therefore, we have it distinctly affirmed that this letter comes from the Lord Chief Justice of England, and what is the character of it? How far is this assumption of judicial authority justified by the general tenor and character of this most extraordinary document? First, I have to observe that this is a letter of accusation. Judges are not generally accusers. Secondly, I have to observe that it is not only a letter of accusation, but it is one of railing accusation; and when Judges take upon themselves to make accusations, as possibly, in extreme cases they may be called upon to do, we have a right to expect something of judicial calmness and fairness, something of common temper in the language which is used by them as great dignitaries of the law. But, I repeat, this letter is not only an accusation, but a railing accusation, against the Government. I wish, therefore, to examine the judicial authority of the document. I find it deals chiefly with what he calls a "violation of the spirit, meaning, and intention of the statute." Now, I do not for a moment deny that "the spirit" of the law may, to a certain extent, be a different thing from its "letter;" and, what is more, this spirit of a statute may be, and indeed must be, a most important element in the judicial interpretation of a statute. The spirit and meaning of a statute is part of its judicial interpretation, and the question I ask myself therefore is this—Is it for the Lord Chief Justice of England to come forward and give the judicial interpretation of the spirit and meaning of a statute in language such as this? I do not believe he could seriously pretend that, in the language of this letter, he was speaking in a judicial capacity. When, therefore, he speaks of the "meaning," "intention," and "spirit of the statute," he speaks of some spirit, meaning, and intention outside of the strictly judicial interpretation of the Act. Then, I maintain, that what Sir Alexander Cockburn says, extrajudicially, of the spirit, meaning, and intention of the law is of no more authority than the opinion of any other man. Unless this matter has been judicially brought before him and argued he has no right to impose on us any judgment or *obiter dictum* of his own, as to the meaning and intention of a statute. I say the spirit of the statute in that vague

general sense, in which alone he can be using the words here, is a matter with which the Government is quite as competent to deal, having ourselves been the authors of the statute, as the Lord Chief Justice of England. The next thing I find in the letter, beyond these violent assertions as to our violation of the spirit of the statute, is this—he speaks of the appointment as "seriously compromising the dignity of the judicial office." Now, here again, the degradation of the judicial office is not a matter on which the Lord Chief Justice has any judicial authority. He has a right to have his own opinion as to what does or does not constitute a degradation of the judicial office; but there can be no better proof than this letter that there may be two opinions as to what does or does not maintain the dignity of the judicial office, or tend to its degradation. The next accusation I find against us in this marvellous document produced and paraded as the authority of the Lord Chief Justice of England is the accusation of "impropriety." The vocabulary is so rich and spicy—or as another high judicial authority has termed it in this correspondence—so "sensational," which is another word for clap-trap—that I hardly know how to select; but we are next accused of "impropriety," which is said to be "painfully apparent." Now, I decline to take Sir Alexander Cockburn as a judge of "impropriety" in any matter of the administration of public patronage. It is a matter within the responsibility of the Advisers of the Crown on which he has no right to speak judicially. We take his opinion for what it is worth, and for nothing more. Well, then, the last accusation I find in this extraordinary letter is that we have been guilty of a "subterfuge." That is pretty strong language for a Judge to address to the head of the law and to the Prime Minister; but I am happy to think that after this we are at liberty to deal with considerable freedom with the extra-judicial authority of the Lord Chief Justice—to use a memorable expression of my right hon. Friend at the head of the Government—we are "unmuzzled," and we decline to accept the authority of the Lord Chief Justice as to what is, and what is not "subterfuge." I come, then, to the conclusion that this is not a letter from the Lord Chief Justice of England; it is a letter purely

and simply from Sir Alexander Cockburn; and what is more, it is a letter from Sir Alexander Cockburn in a state of considerable irritation, and, if I may venture to use the word, of effervescence. I do not know what is the cause of that irritation which appears in every line and syllable of this letter; but I happen to observe that Sir Alexander Cockburn mentions one cause of irritation at the very beginning of the letter. The noble Marquess opposite (the Marquess of Salisbury) has not hesitated in his speech to-night to accuse the Government of jobbery and abuse of patronage, giving to their friends places under the idea that they are going out of office, and the noble Marquess has, with his characteristic plainness, given this as his explanation of Sir Robert Collier's appointment. Now, what does the Lord Chief Justice say? What is his grievance against the Lord Chancellor? He says that the Lord Chancellor has for a long period—something like two years—refused to fill up a vacant judgeship on his Bench. That is the accusation of the Lord Chief Justice against this jobbing Government, which has been accused by the noble Marquess of hastening to give all its friends places, and saying "make haste, lest to-morrow we be out of office, and you may not get what we would otherwise give you." He says he had for two years been bitterly complaining of the Lord Chancellor for not filling up this judgeship. I really know nothing, my Lords, of the merits of this matter or the value of Sir Alexander Cockburn's complaints about this judgeship; but I point out to your Lordships that the Lord Chief Justice admits that he has a grievance against the Lord Chancellor, and so far this accounts for the irritation which is so apparent in the tone of this letter. My Lords, I think I have now sufficiently established that this letter cannot be admitted as possessing any judicial authority. But I have now to point out to the House that there is one passage in it in which this is at last—almost inadvertently—admitted and confessed. I am very happy to find that, although this letter is one long torrent of abuse against the Government, there is now and then a little spot of clear water amongst the foam and bubbles of wrath and indignation. In one of these lucid intervals, Sir Alexander Cockburn con-

seses that, after all, he is not speaking in his judicial capacity, for he says—

"I feel it to be a duty, not only to the profession, but to the Government itself, to protest, I hope before it is too late, against a step as to the legality of which I abstain from expressing any opinion, lest I should be called upon to pronounce upon it in my judicial capacity."

So that here, at last, we have a confession that it is not the Lord Chief Justice that is railing at us in this way, but only Sir Alexander Cockburn; and the judicial interpretation of the statute is a matter entirely separate from his letter, and which he reserves lest he should be called upon to pronounce upon it in his judicial capacity. No one, my Lords, can have a greater respect than I have for the profession of the law, and the great dignitaries of that profession who occupy the principal seats on the English, Scotch, and Irish Bench; and I fully admit we ought not to drag their names into political discussions, if we can possibly avoid it. But I say this, that when a Judge descends from the Bench—when he enters on the arena of personal or political debate, and when he addresses to the Government such language as that which Sir Alexander Cockburn has ventured to address to us, he has no right to claim the sanctity of the ermine and the immunities of the Bench. My noble Friend who spoke first (Earl Stanhope) seemed to be so entirely possessed by the prejudice that has existed in this matter against the Government, founded on this letter—and I believe that a large portion of the public have been in the same position—that he seemed to conclude that we had confessedly no answer at all to this accusation of having violated the meaning, spirit, and intention of the Act. He quoted my noble and learned Friend on the Woolsack as laying down the doctrine that such a violation would be disgraceful to the Government, and concluded that under this doctrine he was self-condemned. But, my Lords, although we refrained from answering the attacks made upon us, I venture to say we have an answer. What is the substantial accusation against the Government? Is it not this—that we have appointed to judicial office a man who had not the substantial qualification required by law, and that we gave him a formal qualification for the purpose of making him qualified who was otherwise

not so? Now, in replying to this accusation, the first question is, what are the substantial qualifications which you say are required by the Act of Parliament? I will read the statement of Sir Alexander Cockburn. He says—

"The meaning of the Legislature in passing this enactment is plain and unmistakable. It was intended to secure in the constitution of the high appellate tribunal by which appeals, many of them in cases of vast importance, from our Indian possessions as well as from the rest of our Colonial Empire, are to be finally decided, the appointment of persons who have already held judicial office as Judges of the land."

Here is a passage which puts the matter in the clearest terms—

"It was to be confined to those who were already Judges, and who, in the actual and practical exercise of judicial functions, had acquired, and given proof, of learning, knowledge, experience, and the other qualifications which constitute judicial excellence."

Now, I want to know where Sir Alexander Cockburn finds this in the statute. I deny the existence of these limitations, or that they were intended by the Act to exist. As the Bill was drawn up by my noble and learned Friend, it was so drawn that the office could not practically be given to any Judge who had not had long experience on the Bench. It was altered in its passage through Parliament. All the provisions which looked to providing for long judicial experience were struck out, and the mere qualification of the *status* of a Judge was inserted in their stead. And when was this done? It was done at a moment when one of the Judges, at least, had only been six months on the Bench. Was he excluded? Would any other Judge who had sat one-half the time have been excluded? Certainly not. And did not Parliament know this? Did it not know that there were new as well as old Judges? And did it not make them all equally eligible? I ask, then, what right had Sir Alexander Cockburn to tell us that men of long judicial experience were alone to be appointed? That is not to be found in the words of the statute. It is not in the Parliamentary history of the enactment. On the contrary, so far as the Parliamentary history throws light on the subject, it distinctly shows that Parliament refused to require long judicial experience as a qualification for office, and made the mere formal fact of having a seat on the Bench—it might be for a week, or a

month, or six months—sufficient. And here, my Lords, I must ask, what is the great canon of interpretation which ought to be applied to statutes? Let us hear Sir Alexander Cockburn himself. He is sharp enough in quoting it when it tells in his own favour. There is one passage in his letter in which he assumes—I cannot conceive why—that we hold the office of Attorney General to be a qualification under the Act. We held no such thing; but, in combating this supposed opinion, what is the canon of interpretation which Sir Alexander Cockburn lays down as fatal to it? He says—" You have no right to impute to an Act of Parliament any intention which is not covered by the words — more especially when it would have been perfectly easy to express such intention in words, if it had been really entertained." My Lords, I accept this canon; it is as obviously just and reasonable to the lay mind as I believe it to be accepted in the legal profession. Well, then, let us apply it to this case. If it had been the intention of Parliament to insist on a certain amount of judicial experience on the Bench, nothing would have been easier than to provide that three or five or six or ten years should be the necessary qualification. I say, my Lords, this Act of Parliament has no such meaning or intention, and the Government did not intend it should. I think I have answered fairly that part of the accusation—that we have violated the meaning and intention of the Act of Parliament. But there is another point to which I wish to draw your Lordships' attention. The noble Earl who has moved this Vote of Censure declined to go into the fitness of Sir Robert Collier for the appointment. That is, no doubt, a very easy way of getting over a difficult part of his case. The fitness of a man for any office depends on his substantial qualifications, and if you admit his fitness, you admit that he has the substantial qualifications. It would be a great point to make out that although Sir Robert Collier had a formal qualification he had not a substantial qualification, because in this case I admit the condemnation of the Government would be complete. But we say, on the contrary, that we have appointed a man eminently fitted for the office, and that we did nothing but give a formal qualification to one who had already the substantial qualifications for

the office. You cannot deny this, and therefore naturally you seek to evade the point. To give a mere formal qualification to a man who had not the substantial qualifications would be disgraceful. To give it to one who has those qualifications is, on the contrary, quite legitimate. The Attorney General is an officer who has always the confidence of the Government, and is consulted by them on questions of great constitutional principle of a higher scope and bearing than those which generally come before the Judges of Common Law, and such an officer, who has served the Government for a number of years with usefulness and distinction, must be presumed to have substantial qualifications which fit him for the judicial office. Accordingly, it is well known that by the etiquette of the profession, he would be entitled to either the Chief Justiceship of the Queen's Bench or the Common Pleas in case of a vacancy. That has been the habitual rule and practice of all Governments. I repeat that we have appointed to the office a man who had all the substantial qualifications required for it—that among these judicial experience neither was, nor was intended to be, included—and that we gave him the *status* that was required by the statute, and I therefore contend that the accusation brought against us falls to the ground—that we have violated the meaning and intentions of the statute.

My Lords, the noble Marquess has imported into this debate other matters connected with the Ewelme rectorcy and the promotion of Mr. Beales and Mr. Honersham Cox, which I contend have nothing to do with the matter. These arguments show the temper, the animus of this Motion. It is a party Motion, and nothing else, which it is hoped may be concurred in by some of our candid friends on this side. This Motion was drawn up, concocted, decided upon, without the case of the Government having been heard, and I do not believe there is a man on the Opposition side of the House who will change his vote however clear the Government may be of the accusation brought against it. There is one other point to which I wish to direct the attention of your Lordships. Among the rash assertions in the letter of Sir Alexander Cockburn, none is more rash than the statement that the whole of the Bench and the

Bar are unanimous in condemning this appointment. I believe that nothing can be more mistaken than that assertion. The noble Earl who moved the Resolution (Earl Stanhope) spoke highly of the opinion of the Lord Chief Justice, because it was in his favour; but when he came to speak of the opinion of Mr. Justice Willes, who differed from him, he said that such opinion would not add to his reputation. Now, I believe there are many of the Judges who would support the course taken by the Government. I do not deny that there has been a strong professional opinion against the appointment. No one has greater respect than myself for the legal profession, which is so jealous of its honours and privileges; but all purely professional feelings are apt to run into excess, and there exists a strong *esprit de corps* against any proceeding which touches in any way the emoluments of the profession. The noble Marquess (the Marquess of Salisbury) gave expression to this feeling in its political aspect and application to-night, when he traced the difficulty to a niggardly and parsimonious spirit on the part of the Government. Now, it is all very well to talk of the Act as the Act of the Government; but it is now at least an Act of Parliament. There is, then, a professional feeling in favour of the failure of the Act of last Session; and there was a feeling in the profession that a certain degree of combination should be established not to submit to this lowering of its emoluments—and this, I believe, has a good deal to do with the professional feeling against the appointment. The noble Marquess had alluded to the number of Judges to whom the offer was made by the Government, and he said that in the whole number of Judges the offer was made to only three. There are, however, means of knowing whether an offer is likely to be accepted, and the noble Marquess can hardly suppose that the Lord Chancellor did not know the feeling of the Judges. Does the noble Marquess think that an offer made to one, two, or three Judges would not afford a good test of the accuracy of the rumours which had reached the Lord Chancellor, and show that the Judges would not accept the office on the terms sanctioned by Parliament? Then, I ask, who was it that disclosed a desire to frustrate the Act of Parliament? Was it the Go-

vernment or the profession? It certainly was not the Government, for, on the contrary, the course we took showed a desire to carry into effect the intentions of Parliament, and when any noble Lord denounced the niggardly conduct of the Treasury, what he meant was the niggardly conduct of Parliament. That, therefore, is not a legitimate ground, in my opinion, for censuring the Government, and we cannot accept any Vote on that ground in any other sense than that of a political Vote. I know that the Tory party in this House may, if it chooses to exercise its power, put the Members of the Government in a minority; but if we are censured for this transaction, in which we believe we have acted not only legally but properly, not to frustrate, but to frustrate the frustration of the Act of Parliament, we shall appeal to the House of Commons, and also to that public opinion, which, though as in this case sometimes prejudiced by passionate and unscrupulous statements, is seldom permanently unjust to the conduct of public men.

LORD WESTBURY: My Lords, I have listened with pain to the attack of the noble Duke (the Duke of Argyll) on the Lord Chief Justice, and I must say that anything more unjust and indecent I never heard and I trust I never shall hear again. It was most painful to hear, and I little envy the taste and feeling of a man who thinks he can support a bad cause by such declamation. But the statement of the noble Duke is not founded in fact. The noble Duke says that the letter of the Lord Chief Justice was written in his official character; and I, therefore, am sorry to infer that the noble Duke has not read the letter, or, having read it, not understood it. The letter was a private letter addressed to the Prime Minister, and dictated by the kindest feeling and regard for that right hon. Gentleman; it was written when the first appointment of Sir Robert Collier had been made, and it was publicly rumoured that another step was about to be taken. It was written by the Lord Chief Justice, who had for years been the friend of the Prime Minister, entreating him not to take a step which would be visited with general reprobation. When that step was taken, I appeal even to the noble Duke himself whether the prophecy proved untrue—

Chancellor of the Exchequer is to be held a sufficient justification for the Lord Chancellor's breaking the law? That is the sum total of the defence—and was such a defence ever heard of before? Time was when the Lord Chancellor would have vindicated his right of determining what was required for the due administration of justice; and if he had knocked in vain at the door of the Chancellor of the Exchequer, he would have gone to the Cabinet and said to them—"This must be done! It is my duty to see that justice is properly administered, and I require the Cabinet to open the purse-strings of the Chancellor of the Exchequer. I will not be driven, even with the approbation of the Prime Minister, into the evasion of a statute and the fraudulent use of an enactment, in order that I may get by a by-way that which I ought to do openly, directly, and in full conformity with the ordinary course of justice." I have only this further to say—that if, after the appointment had been made, the Lord Chancellor had taken the earliest opportunity of offering his explanation, this discussion might have been avoided; or if the Government had brought in a Bill to rectify the error that had been committed as to the insufficiency of salary, this matter might also have been amended. In the course of the debates on the Bill the Government were informed that unless provision were made for a clerk many of the Judges would, in all probability, refuse these appointments.

EARL GRANVILLE: I think the noble and learned Lord himself said that any such provision was unnecessary.

LORD WESTBURY: I said that many of the Judges might look upon the relief which they would have from going circuit as a sufficient inducement. But the noble Duke entirely misleads you as to the language of that Act. He told you, with his usual air of triumph, that the Bill, as it left this House, provided for the appointment of experienced Judges, and that that provision was struck out in the House of Commons, and therefore he argues that the Act left the Government at liberty to manufacture a Judge *pro hac vice*, in order that they might then be in a position to promote him to the Judicial Committee. That is another mistake on the part of the noble Duke. The Bill left the House, in this particular, in the same shape as that in which it returned

and passed. All the noble Duke's observations upon the supposed omission of the word "experienced" are simply an illusion of the noble Duke's perturbed imagination. If your Lordships will read the section of the Act, you will find this to be so. I have but one other remark. It has been represented that this is a party and personal move. As far as I am concerned, and as far as those who act with me are concerned, we should deprecate this Motion being attended by any party or personal consequences whatever, either as far as the Government or the Lord Chancellor is concerned. For my own part, though I fear I may have been betrayed by the language of the noble Duke into the use of stronger words than I intended, yet I will add my own personal feeling and earnest hope that the Lord Chancellor will succeed in satisfying your Lordships that we are in error in condemning this proceeding, for nothing would please me more than that his great reputation should not be tarnished by any act which you may regard as open to censure.

Lord ROMILLY said, he should indulge in no strong expressions, neither should he attempt to turn into ridicule any letter written by a learned Judge. He was not, and he never had been, a party man, and had never acted in that House in any party spirit: and if, therefore, he expressed his opinion—which was his sincere, earnest, and solemn conviction—that the Government had acted properly in the appointment of Sir Robert Collier, he trusted he should obtain credit for speaking in the present instance in a perfectly judicial spirit. When the appointment of Sir Robert Collier was first brought under his notice, it appeared to him, after due consideration, that to condemn it as being in contravention of the Act of Parliament, would be to sacrifice the real meaning and scope of the Act to a mere technicality. Long since, his old friend Sir William Erle said to him—"When you are made a Judge, you will find that your most important function, and the chief value of technical knowledge, is to prevent technicalities from defeating justice." He had now been for more than 20 years a Judge of the Court of Chancery, and during that time his great object had been to prevent technical objections from defeating justice. Now, the object of the Act with which their

Lord Westbury

Lordships were in the present instance dealing was to provide a fit and proper person to be a Member of the Judicial Committee of the Privy Council. It was not its scope that every Member so selected must have had experience as a Judge in the Courts of Common Law, because if that were so it might fail in its real object, which was the securing the services of fit and proper persons, and if such had been its meaning, it would have so expressed it. He therefore entirely dissented from those who contended that the fitness of Sir Robert Collier for the appointment had nothing to do with the question at issue. He, on the contrary, believed it to be the most essential part of the question, for if an unfit or inexperienced member of the Bar had been made a Judge, and then transferred to the Privy Council, he (Lord Romilly) should certainly have condemned such a proceeding as a culpable evasion of the Act. Having stated what was the scope of the Act, he had to observe that its technicality was that the person appointed should be a Judge of one of the Superior Courts of Common Law. The reason for that lay in this—that in that case there would be a double test of fitness, the appointment to the Court of Law in the first instance by the Lord Chancellor, totally independent of the Prime Minister, and then the appointment as a Member of the Privy Council by the Prime Minister—two great Ministers of State being in that way connected with the transaction. The same remark applied to the Vice Chancellor, who was appointed by the Prime Minister, on the recommendation of the Lord Chancellor. That was just, as a great many appointments made by the Master of the Rolls must be sanctioned by the Lord Chancellor. Such was, in his opinion, the meaning of the Act, in discussing which he had taken part as it passed through the House, and with respect to which he had unreservedly expressed his opinion at the time. He thought that though the salary was small, it would be possible to obtain the services of proper persons; but he had never supposed that the scope and object of the Act was to take care that the Members of the Privy Council should have had a long judicial experience as Common Law Judges. If he had thought so he should have opposed the Bill, because it would have introduced a new

test, which, in his opinion, was not necessary, and might be prejudicial to the public interest. For example, Sir Roundell Palmer probably had more experience and knowledge of the Judicial Committee of the Privy Council than any man living. Suppose he agreed to accept a seat in the Judicial Committee, could it be thought necessary that he should first serve as a Judge? "No," he might say, "I will not be a Judge;" and so, if prolonged judicial experience were necessary, a man would be excluded from a post for which he was undoubtedly the person most highly qualified. Yet if you happened to have on the Bench an inferior Judge who had served for several years, but who had disappointed his friends, you could appoint him. Was not that a case in which technicality defeated substantial justice? Suppose, again, a practising barrister, in the course of his practice for many years in the Supreme Court of Calcutta, but obliged to leave that country from ill-health, and who had since, in his practice in Indian appeals before the Judicial Committee, shown that he possessed the most consummate knowledge of Indian law, and on that ground was notoriously the most competent person to place on the Committee. His health does not allow him to go out to India, if it had, he would long since have been appointed Chief Justice there; I say that the meaning and true object of the Act would be fulfilled by appointing him Chief Justice of Calcutta for the purpose of appointing him to the Privy Council? The only practical question would be—was he a fit person, and were those who appointed him acting conscientiously in choosing him for the post? The Lord Chief Justice said the appointment of Sir Robert Collier had been universally condemned. But he (Lord Romilly) had conversed with several persons on this subject, and he found the preponderance of opinion to be that Her Majesty's Government had done quite right. No doubt, they were principally lawyers practising in Courts of Equity; but his experience was opposed to that expressed by the Lord Chief Justice. It seemed to him that the remarks of his noble and learned Friend (Lord Westbury), as to powers in the Court of Chancery, had nothing to do with the subject. A fraud on a power was a case in which, where money

had to be divided amongst certain specified persons, it was given to them under a condition that they held it in trust for another not an object of the power. Who could possibly say that Sir Robert Collier was not an object of this Act? Would he have become more so if he continued to act as Judge for a year? Supposing the mere appointment of a Judge were not sufficient, what length of service would give a qualification? Would the hearing of one case be sufficient, or must he have served one or two years? You must apply the test of common sense—not the technical test of how many cases he had tried as a Judge, but whether you were satisfied that the two responsible Officers of the Crown, who concurred in saying that he was fit to be appointed to the Judgeship and to the Judicial Committee, were justified in coming to that conclusion. The outcry which had arisen on this subject was much to be regretted, and it was a pity that the letter of the Lord Chief Justice had remained so long without any answer. Unfortunately the number of persons who thought for themselves in this country was not very great, and so when one opinion, or one view of a case was put prominently forward with authority, and remained long uncontradicted, it became generally accepted, for those who held the contrary opinion were not in the habit of sending letters to the newspapers. He held the strongest opinions with reference to the appointment of Judges, and should think it a great crime to tamper with such appointments. He owed too much to the profession of the law, both personally and hereditarily, to allow him to shrink from expressing his opinion, if he thought any impropriety had been committed by the Government, or anything done to lower the standard of the judicial appointments. But, in his opinion, the spirit of the Act of Parliament had been observed, and he therefore thought it right to stand up and defend the Government against a Resolution which declared that they ought to have been guided by technicalities, rather than by the spirit of the statute.

THE LORD CHANCELLOR: My Lords, it is with much satisfaction that I have at length the opportunity of answering a question put by one of your Lordships, and therefore by one who has a right to ask it. I should have been glad if that question had been put

Lord Romilly

simpliciter, without being coupled with a judgment pronounced before the question was answered. But the noble Earl who introduced this subject (Earl Stanhope) has, in this respect, only followed the brief he holds—namely, the letter of Sir Alexander Cockburn. That letter adopted the same course. It arrived at conclusions before any inquiry had been made as to facts; and, in the absence of facts of material importance to enable that learned Judge to arrive at any conclusion at all, he did arrive at a clear, decisive condemnation of the conduct of the Prime Minister, expressing that opinion in language certainly not of the mildest character, not only once, but four separate times in his letter. I say I am glad that the question has been asked where it ought to be asked, and where it should be answered. In declining to answer the judgment of a self-constituted Censor, the Government were actuated by motives which I am sure, when I explain them a little fully, will meet with the approbation of all your Lordships. Excuse me if I detain your Lordships longer than I am in the habit of detaining you; but it is a matter which cannot be hurried over, for facts have hitherto been unknown, and therefore ignored—I should be sorry to use a stronger word, and say they were suppressed—and thus a conclusion has been come to which had no basis of fact or of law. Why, then, did we not answer this letter? My noble and learned Friend (Lord Westbury) tells the noble Duke (the Duke of Argyll) that it is an entire mistake to suppose the letter was a public letter. It was a letter written to the Prime Minister as a matter of public remonstrance and protest. But my noble and learned Friend says it was a mere private, friendly letter of warning, couched, probably, in much the same style as that sometimes used by my noble and learned Friend when he gives advice, and prompted by the same tender and genial feeling. It is true the letter does begin "Dear Mr. Gladstone," and ends with "Yours faithfully." There are first the lamb's head and tail; but the claws of the wolf are found to be uncommonly strong in the centre; and anybody who, reading that letter, can say that it was intended as a private communication, and not with a view to enter a public protest as a Judge and a Privy Councillor, must be labouring under a strange hallucination. This

I do say, that we thought the letter was on every account a public letter; and we thought the letter ought not to be answered, not because we could not answer it, nor yet because the Lord Chief Justice had taken upon himself to censure and judge the Prime Minister of England, without any inquiry and without any attempt to inform himself of the facts or of the reasons which had actuated the Prime Minister or myself, but had proceeded at once to indict and convict, with the simple omission that he forgot to cite us—us, the accused. That is the course which the Lord Chief Justice took, and that alone, I apprehend, would have justified any person in saying—"I do not submit to your arbitrament, you having already decided without hearing me." It is extremely easy to say, as the Lord Chief Justice does, that the meaning of the Act is indisputable—in other words, assuming the law, assuming that he alone was the proper person to expound the law, and that there was an end of the legal part of the case. I shall take the liberty of differing entirely from his view of the law, and saying that, in my opinion, it is wholly and clearly erroneous. But the Lord Chief Justice assumes the law, and then proceeds to assume the facts, declaring that there has been an evasion, if not an infraction of the law; that there are grave doubts whether there has not been such an infraction, but that there are no doubts of the impropriety which has been committed—I think "subterfuge" is the happy phrase which he uses—and, having so settled the law and the facts, he says that the whole profession, Bench and Bar alike, join in condemning this appointment. Well, any case, even the great Tichborne Case, may soon be settled in that way, if the Judge assumes the law and the facts and determines the matter off-hand. That, however, was not our reason for declining to answer the letter. We proceeded on a high constitutional ground. The Lord Chief Justice of England is not the Censor of the Prime Minister of England. He is not the person entitled to call in question the acts of the Prime Minister. He was aware of the extreme impropriety of such a letter, if he had expressed any direct opinion upon the law in any matter which might come before him judicially. But when he said that it was an evasion of the law, and that the qualification was colourable, he was

really deciding a point of law which went straight to the question of the appointment; and nothing could be more improper. But the matter does not rest here. Ever since Lord Ellenborough ceased to hold a seat in the Cabinet, I believe it has been universally admitted that the Chief Justices of England had better not interfere with politics at all. But the letter of Sir Alexander Cockburn has placed him in this position—that it is the foundation and origin of this party attack. Everything is traced to him. The whole indictment is founded upon his letter, and there is to be a party Vote of Want of Confidence founded entirely upon the stone thus set a rolling by the Lord Chief Justice. There was, therefore, a high constitutional ground for declining to answer the letter. And there was another and more personal ground on which I acted. The Lord Chief Justice expresses himself in this letter—as he always expresses himself—with a force, fluency, and eloquence which have often excited my admiration, and which I am far from being able to equal. But when I found what a learned Judge has called "sensational" expressions—such as a general burst of indignant condemnation, the general assent of Bench and Bar, and other like phrases—I think I was not uncharitable in surmising that the letter was meant at some time or other to reach the Press. Now, I think nothing could be more detrimental to the dignity and honour of the Bench than a controversy in the newspapers between the Lord Chancellor and the Lord Chief Justice. I have remained silent under three months of abuse; but had I embarked in such a controversy, whatever might be the state of our tempers at the beginning, I am by no means so sure that it would have been as calm and equable at the close. No doubt the public would have been amused with such a correspondence, and some of the newspapers are very angry because we have not afforded their readers this diversion. But I do not think the honour and dignity of either the Bar or Bench would have been served had such a correspondence been carried on. I have always thought that honour and dignity were best studied, not by talking about them, but by mutual courtesy of language, and by never allowing any outbreak of temper between any members of the Bar or Bench. The dignity of the Ben-

best maintained by hearing first all that persons have to say—by keeping yourself on your guard, and forming a covenant with yourself, as it were, to let every matter be fully placed before you, ere you allow yourself even to form an opinion, much less pronounce a decision upon the subject. And certainly you ought not to disqualify yourself from the office of a Judge, by expressing strong opinions when only one side has been heard, or still less when nobody whatever has been heard—opinions which have been formed by yourself in your own breast, and which possibly are so completely satisfactory to yourself that you think they must necessarily be right. That is not my opinion of judicial dignity. I will only say that during the 44 years I have been at the Bar and the 19 I have been on the Bench I have studied to act on these principles. It is impossible for any man to say of himself that he has carried them out successfully; but at least I have never lost sight of them. At the Bar, or on the Bench, I never had an altercation with any human being, and I certainly shall not begin with the Lord Chief Justice in the public newspapers. I therefore did not think it right to answer the letter, and I think in that course I shall be entitled to your Lordships' general approval. I claim it, and I think I am entitled to it. It is supposed that there is something curt and discourteous in my reply. It is not very long, I admit; it would have been contrary to my own principle to have made it so, but I cannot find that it contains a single harsh expression. An hon. Gentleman—of whom I recollect that in old times in the House of Commons he used rather strong expressions—has, I think, unjustly characterized that letter as “insolent.” If it was insolent, I humbly apologize to the Lord Chief Justice and to anyone else who may think it so. I assure your Lordships that its whole intention was to intimate distinctly and firmly, but courteously, that I would not enter into a controversy with him on a question of this character. Having said this, the Government had to bear the disadvantage of having come to the decision of remaining silent. What was the next step? One, I think, which tested whether I was right or wrong in refusing to enter into the controversy. Up to that time only one or two of the papers had taken up the subject at all

warmly; the facts were not all before them, as they were not brought out by the Lord Chief Justice, but there had been only a few observations here, and a passing comment there—there had been no “forcible language,” as Lord Chief Justice Bovill calls it, and the matter, to all appearance, was going to die away, when the Lord Chief Justice published the letters in the newspapers. He gave a reason for doing so. Let me remind your Lordships of the most statesman-like advice which was given by a noble Lord, on one of the first nights of this Session, when cautioning the English Press on another subject, he said—“Do not use hard words; hard words prove a weak case.” I will endeavour to bear that advice in mind in what I have yet to say; but I must say that it appeared to me altogether unnecessary for the Lord Chief Justice to publish these letters, when I had already told him that I should be prepared at the proper time to give an explanation, and also, until that time arrived, I was tied hand and foot by my own declaration. The Lord Chief Justice assigned a reason for their publication. I will make no comment upon it, but will simply place it before your Lordships. He said, it being known that a correspondence had passed between himself and Mr. Gladstone and the Lord Chancellor, in which he was supposed to have uttered expressions which were detrimental to the position of Sir Robert Collier, he thought it right to avoid all mistakes which persons might otherwise make, to publish the correspondence. I do not like to bring in the general opinion of the profession upon the step of the Lord Chief Justice, and the reasons, which I will not call “colourable,” assigned for it, but the Lord Chief Justice does claim to have the general opinion on his side. In his first letter he does qualify the statement a little; but in his second, when my mouth had been sealed, there is no qualification whatever; and he says that from all those with whom he had conversed upon this subject there had come to his ears a storm of disapprobation. I do not know with whom the Lord Chief Justice associated, or who conversed with him upon the subject, but I may say that from all the persons whom I have met, there has been but one opinion, and never more than one, as to the publication of these letters; and that opinion I have heard expressed

by some who agreed with the purport of the letter of the Lord Chief Justice, as well as by all who disagreed with its contents. I think it strange, too, that this letter of the Lord Chief Justice should have been taken by the noble Earl (Earl Stanhope) as his brief in opening his case to-day, and, like the Lord Chief Justice, that he should have followed the same course of attacking before hearing any explanation. I put it to all your Lordships whether in common fairness, after an explanation had been distinctly promised—and I hope you will not think that I am a man to shrink from a promise once made—the proper course would not have been for the noble Earl, in the first instance, to have moved for Papers. He did move for Papers, as it happened, for they were necessary to his case; but he ought, I think, at the same time, to have given notice that, in moving for Papers, he should ask a Question of the noble Lord upon the Woolsack with reference to this appointment, and that according to the answer which should then be given he should shape his future course. That would have given me an opportunity of making all the statements that were necessary—the very statement which the noble Marquess (the Marquess of Salisbury) says they have been asking for. But your Lordships all know that, according to the forms of the House, if I had been led on this occasion to make any statement in immediate answer to the noble Earl, my mouth would have been closed. Whatever attacks might have been made, or whatever misrepresentations might have been conveyed to the minds of your Lordships, I should have found it impossible to answer them. But if I had been allowed to make any explanation upon a Motion for Papers, I should have been prepared—as it was known I should have been prepared—to enter fully into the matter. I complain gravely of the course that was taken. For months there has been one continual process of commenting upon what were supposed, without inquiry, to be the facts, or, if the facts were known, then suppressing them and continuing the comments; and it is now only after a great deal of vituperation that I approach the case itself. ["Hear, hear!"] A noble Lord says "Hear, hear." He will excuse me for saying that I cannot take it on myself to say that I have wasted one moment of your

Lordships' time. I think your Lordships, or some of your Lordships, at least, will say that if a man has been attacked, he ought to have ample opportunities of answering. In the first place, then, the great strength of our case, and that which makes it difficult for us to understand the point of the attack, is this—We had an Act of Parliament, the purport and object of which was to procure a speedy hearing for those appeals coming from India, which had run greatly into arrear; and to secure that object we were to appoint Judges. A Judge was appointed. Nobody had yet ventured to say that the appointment was invalid or illegal; it was in perfect compliance, at least, with the terms of the Act, and we will consider its spirit by-and-by. I will not stop now to read the passage; but by the confession both of Lord Chief Justice Cockburn and of Lord Chief Justice Bovill, the Judge whom we appointed is a man admirably fitted and in every way qualified for the position. As the Lord Chief Justice admitted, he had filled the high office of Attorney General with dignity and honour. Chief Justice Bovill used, I think, even stronger expressions as to his capacity, but was not so emphatic on the other points. When, therefore, we have appointed to the Judicial Bench a man legally qualified for the post, and in every way fitted for the performance of his duties, it does seem a strange thing that at this time of night, and three months after the transaction occurred, we should have to give explanations of our conduct. My Lords, let me now take up the letter of the Lord Chief Justice, because it is the foundation of all the arguments we have heard here to-night. He says we have violated the spirit of the Act. In other words, confessing that the Act is against him, he says we have violated something which he calls the spirit of the Act. Lord Cranworth used to say—the case in which he laid it down is well known to all my noble and learned Friends—that he did not know what was meant by evading the spirit of an Act. We either obey the actual words and plain meaning of an Act, or we do not; if we do not obey it, then we break it, but we do not evade it. And that is the meaning of the letter of Mr. Justice Willes, which says that the talk of evasion, when you have legally appointed a fit man is somewhat "sensational." In days long gone by, persons were often brought in guilty

of treason from a construction which was placed upon the "spirit" of an Act of Parliament; but if you talk of the spirit of an Act of Parliament in this sense, you at once arrive at a state of the law in which the property and the lives of all Her Majesty's subjects must speedily become endangered. Then, again, there is the language of Lord Chief Justice Tyndall, in the Sussex Peerage Case, who says of a statute that when the intent and purport is expressed in clear and unambiguous language you have nothing to do but to follow the words; if it is expressed ambiguously, then you may look at the intent of the framers and see what it was they wished to achieve, and you may look at the preamble, if preamble there be. The object of this Act was to provide a Court to perform special duties. It was of the highest importance that a Court should be speedily provided—by the 2nd of November, if possible—for the trial of these appeal cases. The Court was provided accordingly; it set itself at once to perform its duties, and I am happy to tell you that, with the assistance of the Lords Justices in the earlier part of the year, and of the now Judges in the latter part of the year, the number of appeals disposed of is exactly double what it was in the year before. Having achieved these results, and done this within the terms of the Act of Parliament, we get a long way on. For my own part, I thought we did not deserve censure, but some commendation for what we had done. It is said—which I utterly deny—that the spirit of this Act was to provide Judges of experience to decide these cases. I undertake to prove by demonstration, that when the Bill came back from the Commons the very element of experience which the Bill contained originally was struck out. My intention was—not wholly with a view to economy, I admit, but also with a view to economy, for which I have been reproached—to give only £1,500 a year to each new Judge who was to sit in the Judicial Committee of the Privy Council. As your Lordships will see, that must have had the effect of securing experienced Judges, because only those would be likely to take the new appointments who were entitled to retire after 15 years' service on the bench. This £1,500, added to the retiring pension of £3,500, would give them what they had been receiving before. The arrangement would have acted in a

similar way with regard to Chief Justices from India, who have retiring pensions of about £1,200 a-year. Just at the last moment, I admit, a clause was put in giving £5,000 a-year to all the Judges. But I am speaking of the shape in which it was originally brought in; it came back from the Commons a totally different measure. That was done purposely and in strict correspondence with the intention. The House of Commons said—"We will not be obliged to take retired Indian Judges at all. We will mix up all the Judges together in a body, and that body shall be three Indian Judges and all the Judges of the Superior Courts of Law and Equity, including the Judges of the Divorce and Admiralty Courts." Each Judge, according to the Commons, was to have £5,000 a-year. Not a word was said about any standing being necessary. Vice Chancellor Wickens, a most excellent Judge, was only of six months' standing, and yet the alterations introduced into the Commons would not have prevented his appointment. The Act has been supposed to say that the selection must be from the Judges existing at the time of the passing of the Act; but the qualification really is that the person appointed should be a Judge at the time of his appointment. It was originally provided that the person appointed should be a Privy Councillor; but would anyone on that account have supposed that he was to be a Privy Councillor at the time of the passing of the Act, or that a disturbance like this would have been made if, after the passing of such an enactment, we had appointed some one to be a Privy Councillor in order to place him on the Judicial Committee? Such an objection would be an absurdity, considering that most of us on coming into office have to be made Privy Councillors. Yet this absurd reason has been adopted in a legal journal, which ought to know better than to make such an observation. If Parliament had intended that no one should be appointed unless he were a Judge at the time of the passing of the Act, it ought to have said so distinctly; but, in point of fact, the statute expressly said that he should be a Judge at the time of his appointment as a Member of the Judicial Committee. Again, no particular standing is mentioned. A period of 10 years at the Bar is specified for a County Court Judge, of 15 years for a

Lord Justice, or a Vice Chancellor; and whenever it is intended that there should be a particular length of service it is always expressed. Your Lordships are doubtless all aware that one of the ablest Members of the Judicial Committee of the Privy Council, the late Lord Kingsdown, was never a Judge at any period of his life. Again, Lord Justice McLish never had the experience of a Judge before his appointment to the high office of Appellate Judge in Chancery. Then it must be borne in mind that the Act was to be carried into effect as quickly as possible, and I will now proceed to state what we did. I wished to carry out the principle of economy in all departments, including the department of justice. An attempt was made in the House of Commons to fasten on the country—which means the taxpayers—£500 a-year more by way of allowance, in order to include the Judges' clerks, for whom, it was thought, the Judges would wish to provide—and I may add that I entirely concur in that view. My argument, however, was that as the Members of the Judicial Committee would be relieved from the expense of circuits, which was equivalent to an additional salary of £600 a-year, and have their same salary of £5,000, they might themselves provide for their clerks. So that they would be pecuniarily gainers, besides having honourable work and the distinguished position of Privy Councillor; and I thought such inducements ought to be sufficient. I was warned, while the Bill was in progress, that if several clauses in the Bill were not made more satisfactory to the Judges removable to the Privy Council, no Judge would accept an appointment. How, then, could the Government, after being told of the possibility of every Judge refusing, stultify the whole measure by introducing a clause to the effect that no one should be appointed except persons who were Judges at the time of the passing of the Act? Take this case. Suppose that shortly after Sir Robert Collier's elevation to the Judicial Bench, Lord Chief Justice Bovill's place had become vacant, and suppose that Sir Robert Collier had desired to succeed him. I should not have had the slightest objection to his appointment. The Lord Chief Justice of England makes a very ingenious *ad captandum* suggestion. "Would you," he says, "have sent Sir Robert Collier us Chief Justice to India?" The answer

is, that that would be out of the common course of events. But take this case. Suppose the assassin who struck down Mr. Justice Norman had murdered Sir Richard Couch, and that Mr. Justice Norman had succeeded to the Chief Justiceship—do your Lordships think that if he asked us a week afterwards to be placed on the Judicial Committee, he would not be eligible? Does it really come to this, that we might have had a Judge of six months' standing, or of a fortnight's standing, but because we had beforehand contemplated this appointment, that, therefore, it is illegal? That lands you in the purest technicality. I now propose to tell you what we did. I thought I would adhere to my old view of appointing pensioned Judges; but I will not mention names, although I have no objection to give them privately to any noble Lord who may feel interested in the matter. We applied first to one noble and learned Lord, who declined the offer. We also applied to Sir James Colville; and we should have applied to Sir Barnes Peacock, but for the clause enacting that no Judge should hear an appeal who had heard the original case. His appointment was therefore reserved. Then we applied to two other Judges, whose names would carry satisfaction to the House were I to name them, but they declined, each of them on account of the question of clerks, which was a serious question with them. We heard that another Judge, Mr. Justice Montague Smith, was willing to accept the office. But here I come to a little break. Three Judges had been applied to—two appointed, and one placed in reserve. I then mentioned to Mr. Gladstone the name of another distinguished Judge. But Mr. Gladstone said—"Do you think he will accept it?—for I do not think it right to hawk about an office of this dignity merely for the purpose of its being refused." Accordingly I made inquiries, and found that the Judge in question had openly stated that he should not accept the post in the event of it being offered to him. After the first refusal, Sir Robert Collier had said that if it were refused in this way, he was himself willing to accept the appointment. With regard to the charge of jobbery, it is too ridiculous when you examine into the case—I had kept open an appointment in the Queen's Bench for two years, of which the Lord Chief

Justice in his letter complains, because I would not incur needless expense by appointing a new Judge where it was not necessary. I utterly deny that we gave a colourable qualification to Sir Robert Collier. He might, if he had so pleased, have remained in the Court of Common Pleas all his life, and on his appointment, he became *ipso facto* a Member of the Judicial Committee under the former Acts in virtue of being a Privy Councillor. He would have received the same salary as he now receives—namely, £5,000 a-year, and being thus in as good a position in every respect as any of the other Judges, he consented to take their leavings, and to accept what they had rejected. And yet that is termed jobbery. I cannot look upon this as a serious charge; it seems to be reduced to the merest technicality. I will tell you what I thought was the honest meaning of the Act as it came back to us. It rejected the securities which would have kept the appointment for old Judges, and its effect was to tell our Indian and Colonial Empire that their cases would be tried by Judges of the same status as those who heard ours. Status, and not experience, was the qualification required. The Act provided that we should have a man qualified by a proper status. He was to be in the "College," or as the Lord Chief Justice calls it, the "order" of Judges, and that was all. Now, there never was a greater mistake than to call this qualification a colourable qualification. A colourable qualification is one not really intended to be given. But this was a real one, and intended to be given. We intended to make Sir Robert Collier a Judge for the purpose of giving him a proper qualification. When it is said that the whole Bench agrees with the Lord Chief Justice, you overlook the fact that Mr. Justice Willes, one of the most eminent Judges that ever adorned the Bench, differs from the rest, and from also the Court of Equity, where four out of seven Judges take our view. In the face of these facts, it is rather a strong measure for this House, by a party vote, to censure a judgment, honestly exercised, as a colourable evasion. I grapple at once with the suggestion that on the passing of the Act we said anything to mislead the House. What I stated was that we intended, by the offer originally made of £1,500 salary, to secure Judges who were willing to re-

tire on a certain pension. Sir Robert Collier, in the House of Commons, said it was intended to secure men with the authority of Judges. When Mr. Mellish was appointed he had the experience, but he acquired the authority of a Judge, and he was immediately made a Member of the Judicial Committee, not because he had experience as a Judge, but because he had authority. I did not say I would agree to limit the appointments under the Act to the then existing Judges, because I might so have frustrated the object of the Act altogether. As to inquiring of all the Judges what their opinions were, I have never asked a single man's opinion upon the subject, until the fact of Mr. Justice Willes having written in the sense he had was conveyed to me; when I asked him if he had any objection to write me a letter to the same effect. I did not know until two days ago that the noble and learned Lord who spoke last (Lord Romilly) entertained the same opinion as myself. In matters of patronage I never asked any opinion; I took the sole responsibility on myself. The noble Marquess (the Marquess of Salisbury) has introduced two new cases of supposed delinquency on my part. That of Mr. Beales occurred two and a-half years ago. At that time, no complaint of his appointment was made in this or the other House, or in the Press, except anonymously; but I admit that in private one illustrious person did take exception to the appointment. I am now glad of the opportunity of saying that if there is one thing in my career I rejoice in and recollect with happiness and pleasure, it is that I did justice to an honest and excellent man. ["Oh, oh!" "No!"] I have known him from the time he was at College. He was deprived of an income of £700 or £800 a-year because he attended that meeting to which reference has been made, and deprived of it on the ground that, being a revising barrister, he might be suspected of partiality. He had held that office six years, and nobody had ever complained of his conduct; only one of his decisions had been reversed, and that upon a technical point. Being dismissed from the post of revising barrister he lost other business in the Court of Chancery, which he always had discharged well; the deprivation of office reduced him to ruin; and I thought it only right and just, as he had been so reduced to ruin for

an expression of political opinion, that he should be restored to competence. ["Oh, oh !"] When I am doing justice to myself I insist on being heard, and still more shall I insist on being heard when I am doing justice to another. Mr. Beales had been called upon by Mr. Walpole to assist him in removing difficulties which had arisen from steps that he (Mr. Beales) advised. I have heard from a strongly Conservative clergyman near Wisbeach that two strongly Conservative solicitors at Wisbeach told him a month or two ago that they had been prejudiced against the appointment when it was made, but they now declared that they had never had a better informed, or more assiduous, or more honest a County Court Judge. The Government were in no way responsible for that particular appointment. From the first moment I held the Seals I resolved that I would do that man justice, and I have done it. The other case fished up by the noble Marquess shows what a party move this is. If notice had been given me, I could have brought letters congratulating me on the appointment of Mr. Homersham Cox, and a long memorial, most influentially signed, against the appointment to the office of anyone merely as speaking the Welsh language.

My Lords, I cannot accept the interpretation of this Motion which has been offered me in such mellifluous tones by one of my noble and learned Friends (Lord Westbury). The noble Earl (Earl Stanhope) opened his case by saying he accused the Lord High Chancellor of distorting an Act of Parliament for his own purposes. What conceivable purpose could I have to serve in the appointment of Sir Robert Collier? Mr. Gladstone had no wish to part with him as a Member of the Government. Good nature often leads to a job on behalf of an acquaintance; but I really had not the honour of Sir Robert Collier's personal acquaintance until I took my present office. Since that time I have learned to respect and regard him as all others do; but before that I did not know him, for he did not practise in the Equity Courts. The noble and learned Lord (Lord Westbury) spoke of this in the same light as a motion to reverse a decree, but it is not usual on reversing a decree to add a Vote of Censure. The dispensing of patronage is a grave and

serious matter; I have at all times looked to the honour of the Bar, and in making appointments I have, on public grounds, but not without personal pain, in order to secure the fittest, passed over those to whom I was bound by the ties of friendship. And, now, in this case, wherein four out of seven Equity Judges differ from the Lord Chief Justice, it is hard to be told you are to be censured as having distorted an Act of Parliament for your own purposes. This is as clearly a party manoeuvre as ever came before Parliament. The public, having before them the eloquent speech of the prosecutor in the letter of the Lord Chief Justice, have arrived at a wrong conclusion. The Bar are very far from unanimous in their construction of the Act. I do not think any member of the Bench—or even any Member of the Opposition in this House—believes that I have distorted an Act of Parliament for my own purposes. I do not want to take any benefit of character, but I have been 44 years in the legal profession and 19 years on the Judicial Bench. I do not believe that, face to face, either the Lord Chief Justice of the Queen's Bench or the Lord Chief Justice of the Common Pleas would say that I had been guilty of a dishonest act; but this is a dishonest act with which I am charged—having distorted an Act of Parliament for my own purposes. If I had done that I should have been culpable indeed. But, my Lords, I tell you plainly, I will hold my ground, I will not quail till my profession tell me I ought, or, at all events, till the House of Commons shall censure me for what I have done. Your Lordships may, no doubt, pass this Resolution of the noble Earl; but you will find your censures wax very feeble if they are frequently pronounced. Your Lordships cannot inspect the Journals of this House without coming to the conviction that party Votes of Censure are becoming utterly powerless, and I am one of those who do not feel the oppression of their weight. If I felt that I had been guilty of what I am accused—of anything degrading—I should leave my country and hide myself in Australia, or some other distant place. ["Oh !"] How preposterous all this is. I am accused of a gross offence—of what my noble and learned Friend (Lord Westbury), with his usual blandness, says is a fraud, and what a noble Earl called

a distorting of a statute for my own purposes. No one believes that. Let me tell you that I had to meet all the Judges for the purpose of pricking the Sheriffs, and I did not find that their usual courtesy had been dispensed with. If Sir Robert Collier takes advantage of a fraud by the Government, he is as bad as themselves, and yet a few days ago his compeers of the law—80 honourable men—gave him a public dinner in honour of his elevation. Let me present one consideration to your Lordships. The Vote does not affect me in the least, but it may be one deeply affecting the administration of justice. Is it fair, is it right to stigmatize one who is to sit as a Judge, unless he be removed by the joint action of both Houses? Is it right to the great Empire of India, and to all the vast interests involved in the proceedings before the Judicial Committee, to cast a slur upon one who is in a great measure responsible for the integrity and the purity of your judgments, merely because there have been summoned from the country for a party Vote a number of noble Lords who have never before heard a statement of the case? If you do so, you will make it difficult to accept office when Judges find that, instead of being liable to be displaced only by a Vote of both Houses one branch of the Legislature brands them by its Vote as having been the medium of a fraud in distorting an Act of Parliament for their own purposes.

LORD CAIRNS: My Lords, there was one part of the speech of the noble Lord who moved the Amendment (Lord Portman) to which I listened with much sympathy; I mean the part in which he referred to the inexpediency of passing a Vote of this House in the present conjuncture of public affairs. I myself was disposed to attribute great weight to that opinion. When I think of the complications into which our relations with the West appear to have drifted, and of the gloom which has been cast over many of your Lordships by the disastrous news from the East, I must say, speaking for myself, that the proportions of the present question, important as it is, have dwarfed considerably in my estimation, and I should have been well pleased if it had been possible to avoid passing an opinion on it at the present time. But there

are at least three public men who have made that course, as it seems to me, perfectly impossible. The first of them is the Prime Minister. The Prime Minister has stated that he cannot admit that any error has been committed by the Government, and that he is prepared to maintain that the construction which they have placed on this Act of Parliament, is the only construction to which it is open, and he has requested that this issue should be raised and publicly decided in the most solemn form. The second public man is my noble and learned Friend the Lord Chancellor. My noble and learned Friend likewise deferring, as he was entitled to do, his defence till the present time, has expressed his desire that these appointments should be publicly challenged; he has stated that it was made advisedly, and that he was prepared to maintain—as he has maintained to-night—not only their legality, but their propriety in a Parliamentary sense, and, going somewhat farther, he has stated that he almost expected the Government would have received a Vote of Thanks for the manner in which they had acted. The third public man who has made this impossible is the noble Duke the Secretary for India. In that wild and tempestuous speech we heard to-night the noble Duke—rising in an incredibly short space of time to the boiling point, said that no one who knew the history of the case, or who was competent to form an opinion, could entertain the slightest doubt that the course pursued by the Government was the correct one; and then rising to a still higher flight of fancy, he told you he would appeal from your Lordships' decision, which he said was about to be given simply in a party sense and by a party Vote, to the verdict of the House of Commons—a pure and serene atmosphere, I presume, where party considerations are never felt, and where all questions are approached in a calm and judicial spirit, which your Lordships unfortunately cannot imitate. I, for one, then, cannot refuse to accept these challenges. The position thus taken up by these three Members of the Government appears to leave us no option, viewing the case as we view it, but to place on record the opinion we have formed. I will, in the outset, take note of some admissions and omissions which have been made on the other side. The noble Lord who moved the

Amendment (Lord Portman) made one important admission. He said the Government was not altogether free from blame, but he thought it inexpedient as a Parliamentary question to express any opinion on the point. I must protest against the view thus taken. If the Government are free from the charge of having strained an Act of Parliament in a way in which it should not have been strained, by all means let them have the benefit of a complete and perfect acquittal; but if, on the other hand, we are right—as I think I shall be able to satisfy your Lordships that we are—that the spirit and essence of this Act of Parliament have been palpably and clearly violated, then I maintain the last doctrine you should promulgate is this—that public men may with impunity tamper with Acts of Parliament. It is vain that our legislative Acts are guarded by provisions, qualifications, and conditions, if we are to be told afterwards—as we have been told by the Master of the Rolls—that all these things are technicalities—that you are to look at the substance and not at forms, and provided in the main the thing done is good and expedient you need not mind the technicalities of the Act. But then we have heard a great deal of the unfairness of condemning the Government unheard. The Lord Chancellor censures my noble Friend for moving this Resolution of Censure without having had first, in sportsman phrase, a preliminary canter over the course, so that he might have heard what the Government intended to say in their own justification. Now, I have had some experience of Parliament, but I never heard the doctrine promulgated before in either House, that where a public act has been performed by a Government—an act which has been publicly challenged, which has been before the public for months, which has been discussed by the Press on all sides of politics—that when Parliament meets, and when of necessity the minds of men have been made up on the materials before them, the Government are not to be called to account, unless sooth they have been supplicated to state beforehand what their answer is to the charge. But as to my noble and learned Friend on the Woolsack, is it the case that his tongue has been tied up to the present moment, and that he never had

an opportunity until this Notice was given of stating what his defence was? He must forget what is the position of things. I do not wish to find fault with him for not entering into correspondence with the Lord Chief Justice on the subject—that was a matter for his own judgment and discretion—it was for him to come to the conclusion whether he would open up the question by correspondence with the other Judges or not. I find not the slightest fault with him for refusing as he did to continue the correspondence. But he says that my noble Friend (Earl Stanhope) in giving the Notice for Papers, ought to have asked questions, and thereby elicited the views of the Government. But if my noble and learned Friend had any explanation to give, he could have given it on the Motion for Papers—especially as he had promised to the public to do so, before any Motion of censure was introduced. But I want to know what are the facts which have been held in retirement, and which have not been known to the country? I have not heard a single fact to-night which has not been publicly stated again and again before. Nothing new has been elicited. My noble and learned Friend has thought it necessary, I am sorry to say, to defend his character from the imputation of having been guilty of jobbery. Really that was quite unnecessary. No man could ever suppose that my noble and learned Friend could be open to such a charge. I am sure he is as incapable of it as—I had almost said more incapable than—any man living. But, as I have used the term jobbery, I must express my regret that the noble Lord at the Table (Lord Portman) should have said, in reference to a late noble Earl (the Earl of Ellenborough), who was one of the chief ornaments of this House, and whose voice is even now ringing in our ears, that that noble Earl though a hater of jobbery, yet held an office which was itself a job. That was a wholly unfounded statement, and the memory of the noble Earl requires that some observations should be made upon it. It is true that he held a position connected with an office which was an abuse of former times, and of which we are now happily rid; but it was held openly and in the light of day, and with the allowance of the law and of public opinion, and there was nothing of jobbery

in the manner of his receiving, or in the manner of his holding it.

My Lords, I will now pass on to say that I must protest against this discussion turning on the fitness of Sir Robert Collier. The fitness of Sir Robert Collier is entirely irrelevant, and I decline to enter on a question which is irrelevant to the real issue. If Parliament had desired to make fitness the sole test of qualification for the office, nothing would have been easier than to have done it: all that was required was that the Act should provide that the Government might appoint any fit and proper person to hold the office. In reality every statute authorizing an appointment implies that the person appointed shall be a fit and proper person. But this Act named another and a special qualification as necessary to the holder of the office. I am very sorry, on Sir Robert Collier's account, that his personal fitness should have been drawn into the discussion; for my own part I should say that even if he had been admittedly the most able lawyer at the English Bar, the argument against the appointment would have been just as strong. The proof of personal fitness does not and cannot, if we are right, countervail or justify the disregard of the special qualification required by the Act. But it was suggested by my noble and learned Friend the Master of the Rolls, and the suggestion was sanctioned by my noble and learned Friend on the Woolsack, that the only reason for requiring the person appointed to be a Judge was this:—that inasmuch as the Common Law Judges are appointed by the Lord Chancellor, and the Members of the Judicial Committee by the Prime Minister, there would be, in the co-operation of two Ministers of State, the double security for the fitness of the person so nominated. That is the grave, sober view of the Master of the Rolls. It is certainly a singular one, and I must say that I never heard of a more roundabout course of effecting an object; because, observe that it puts the unfortunate person to the trouble of paying £100 or £500 for being made a Judge, whereas the whole object could have been properly answered by providing in the Act that any person whom the Lord Chancellor and the Prime Minister should agree in considering fit for the office should be capable of being

appointed a Member of the Judicial Committee. But unfortunately the noble and learned Lord forgot one fact which entirely invalidates his argument—namely, that half of the persons filling the specified judicial appointments—namely, the Vice Chancellors, all the Lords Justices, and the Chiefs of the various Courts—are not appointed by the Lord Chancellor at all, but by the Prime Minister alone; so that in all these cases this admirable and wonderful double check would be no check at all. My noble and learned Friend on the Woolsack said that it would be an undesirable thing to bring about any limitation in the choice of persons capable of holding a seat in the Judicial Committee, and he instanced the case of Lord Kingsdown to prove—what we all admit—that it is possible for a man to be perhaps the most able Member of the Judicial Committee, and yet to have held no previous judicial office. But, in the first place, that is an argument which proves too much. It goes to prove that the Act should have required no special qualification whatever. Moreover, everyone knows that Lord Kingdown's was an exceptional case, and I well remember hearing my noble and learned Friend in 1870, over and over again urging that instance as a reason why the Act should be made more extensive as to the area of selection, and again and again we answered on our side that it was an exceptional case, and that it would never do on the strength of it to found a general rule. Another point of my noble and learned Friend was the refusal of certain Judges to accept the appointment. What does that come to? It appears that three of the Judges—no doubt for good and sufficient reasons—declined to accept the office; but it has not been suggested that there were not perfectly competent men among the other Judges; and, further, I should maintain that though the whole Bench had been applied to and had refused, that could not have been an excuse for appointing a man who was not a Judge, though it would have been good ground for the Government to come to Parliament for further powers. Now, what is the history of this Act of Parliament? In 1870 a Bill was brought in providing for paid Judges to be appointed to the Judicial Committee of the Privy Council, and it provided among

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other qualifications that barristers of a certain number of years standing should be eligible. The Bill passed through this House, with some objections, and went down to the House of Commons in that shape; but in that House the Home Secretary, referring to that provision, said that he was aware that exception had been taken to it elsewhere, and as exception might also be taken to it in the House of Commons, the Government did not intend to insist on that provision. Owing to the pressure of other business, the Bill was not pressed through the House of Commons—it went into Committee, but the Committee made no Report. In 1871 the Bill was again introduced in this House. The provision respecting the eligibility of barristers was omitted, and the qualifications were enacted with which we are all now so familiar. It went down to the House of Commons in that shape, and came back to us in that respect unaltered, and so passed. We approved the proposition because, in the first place, it appeared to us that the persons to be appointed paid Members of the Judicial Committee should be persons possessed of judicial experience. What the length of that experience should be was a point which was left, and I believe rightly left, to the Executive Government. It was deemed unwise to lay down the rule that a Judge having one year's experience should not be qualified, while a Judge having two should be eligible for the office. That being so, what was the next object of the Act? It was, in my opinion, this—that when you hand over judicial appointments to the Sovereign advised by the Executive Government, you cannot, from the necessity of the case, prescribe a particular standard up to which the persons appointed should come—you cannot have a competitive examination, by means of which you will arrive at the knowledge of who is the best man, but you can take a limited number of persons at the time exercising their offices in the face of the public with regard to whom the public are well aware of their relative merits, and you can say to the Executive Government—"choose out of that limited class, and we shall trust to the force of public opinion criticizing your choice to insure that you select the most competent persons." I fearlessly challenge anyone to show any other possible motive which Parliament could have had in requiring that

the person appointed should be a Judge. And then I ask, has either of these objects been attained in the appointment of Sir Robert Collier? Clearly not. And this is what I maintain is a violation of the spirit of the Act. And here, I would refer shortly to the letter of Mr. Justice Willes, which has been so frequently alluded to in the course of this discussion. Now, I entirely concur with Mr. Justice Willes, who is, I believe, perfectly accurate in the proposition which he laid down. But what is that proposition? Why, simply that the appointment of Sir Robert Collier was legal. Of course, it was legal—if it were not, there would be no necessity for this Motion. Had it not been in accordance with the letter of the law it would have been invalid, and Sir Robert Collier could never have taken his seat as a Member of the Judicial Committee, and the matter would not now have been before Parliament. When, therefore, my noble and learned Friend on the Woolsack tells us that three or four other Judges concurred in opinion with Mr. Justice Willes, I do not care to dispute the point, because, probably, every lawyer would concur in a proposition which is so perfectly well founded. But when I have said that, I must remark that the admission does not touch the point which we are now discussing. We have heard some expressions used to-night with which your Lordships generally are not familiar, such as the "fraudulent execution of a power," which simply means the exercise of a power according to the letter, but in a manner not warranted by its spirit. The law books are full of instances of "the fraudulent execution of a power," with respect to everyone of which Mr. Justice Willes might unhesitatingly express it to be his opinion that it was a legal exercise of the letter of the power. But then that legality might be entirely consistent with the violation of the spirit and intention. My noble and learned Friend says it is a mistake of words to say that the qualification of Sir Robert Collier for a seat on the Judicial Committee was a colourable qualification. He put the case of some person to whom an estate is given, though the person was never meant to have the estate. Well, that is just what was done with Sir Robert Collier. He was made a Judge, and it was never intended that he should exercise the functions of a Judge. [EARL GRANVILLE: He did for

a fortnight.] The letter of the Lord Chancellor says he was transferred to the Privy Council ten days after he was sworn in as a Judge. But suppose we say a fortnight—was it, let me ask, ever meant that Sir Robert Collier should be a Judge of the Common Pleas? Why, it was all a mere delusion; there never was any such intention. Indeed, I saw it stated in some of the papers—I do not know with what truth—that he never became the proprietor of the judicial ermine; but whether that is so or not, it is clear it was never intended that he should be a Judge of the Common Pleas, and, what is more, that he never intended it himself. The noble Lord who moved the Amendment to-night (Lord Portman) acts in a judicial capacity as Chairman of Quarter Sessions, and I would ask him—not in order to gain a party triumph—indeed, I never felt less inclined for a party encounter than at this moment—but as a matter of judicial substance, whether he agrees with me in what I am about to say or not? I contend that the sense and spirit of the Act of Parliament is this—that the Minister who is going to choose a paid Member of the Judicial Committee must make his choice among those who are the Judges of the land at the time the choice is made. Does the noble Lord agree to the proposition? [Lord PORTMAN made no reply.] I hope the noble Lord will address his mind to this question, for I should be glad to know whether he differs from me with respect to it. I will not condescend to any technicalities as to whether a man may have been a day or a year a Judge; but I maintain that the spirit and sense of the Act of Parliament are that a Minister who chooses a paid Member of the Privy Council must make his choice from among those who are Judges of the land at the time he makes his choice. I do not forget the letter of the Act, which says, “at the date of the appointment.” That is sealing-wax, and parchment, and red tape. I do not want technicalities; I want substance. The time meant is when the Minister exercises the mental act of making his choice from among those who then are Judges of the land. That is a short, simple proposition, and I should like to hear from any noble Lord in what respect he thinks it is wrong. [Lord PORTMAN said a few words in answer, which were inaudible.] That is a very safe and discreet answer to

give; but I am sure no Member of your Lordships' House will venture to impugn the proposition I have just laid down. I believe it to contain the very pith and marrow of the Act of Parliament on this point. Now, I will ask this further question. I wish to know whether Sir Robert Collier was made a Member of the Privy Council because he was already a Judge, or whether he was made a Judge because he had been already chosen by the Prime Minister as a Member of the Judicial Committee? The Government maintain that he was selected to be a paid Member of the Judicial Committee because he was a Judge at the time he was chosen. Now, upon this point we have the concurrent testimony of the Prime Minister, the Lord Chancellor, and *The London Gazette*. Speaking of the appointment, the Prime Minister says it was a joint transaction, and that when Sir Robert Collier was made a Judge, only a part of this joint transaction was completed. He must, therefore, previously have been selected by the Prime Minister to be a paid Member of the Judicial Committee, and must have been made a *puisne* Judge with a view to such a selection. What does the Lord Chancellor say? He says—“I appointed Sir Robert Collier to be a Judge, knowing that Mr. Gladstone intended to recommend him for transfer to the Judicial Committee;” that is to say, knowing that Mr. Gladstone had already performed the mental operation of selecting him for that office. But the evidence of *The London Gazette* is the most extraordinary of all, because it appears that whereas the appointment of Sir Robert Collier is dated November 7, on November 3 Sir Robert Collier was at Balmoral, and was made a Privy Councillor. Now, since *puisne* Judges were invented, nobody has heard of a *puisne* Judge being made a Privy Councillor at the time of his being made a Judge. Therefore, if Sir Robert Collier was made a Privy Councillor before he was made a Judge, it must have been because he was selected to be a paid Member of the Judicial Committee. I admit that the letter of the statute—what I have called the sealing-wax, the parchment, and the red tape—was complied with; but if there are such things as spirit, substance, and essence, as distinguished from letter—and the Lord Chancellor admits that there are, and that the letter may be regarded while the spirit is vio-

lated—and if the person here was to be chosen from the Judges, I say that the selection here made was of one who was not a Judge at the time of his selection. I have shown you that the promises made at the passing of the Act were disregarded. I have shown you also why the qualifications of a Judge were required. I have given the pith and essence of the statute, and have shown that its spirit has been palpably violated. Now, let us for a moment notice what are the consequences of the doctrine propounded by the Lord Chancellor as to the operation of this statute. Look at the case suggested by the Lord Chief Justice. It is not for me to settle the quarrel between the Lord Chief Justice and Mr. Gladstone as to whether the correspondence is in the most agreeable form; but there is no ground for saying that in this correspondence propositions were dogmatically put forward by the Lord Chief Justice without argument. It appears to me that throughout this letter Sir Alexander Cockburn lays down nothing as Lord Chief Justice. What he says in effect is—"My reason for addressing you while this matter is incomplete is because as Lord Chief Justice I am at the head of the Common Law Bench, and also a Member of the Judicial Committee." I think a great deal has been said of Sir Alexander Cockburn to-night both by the Lord Chancellor and by the noble Duke (the Duke of Argyll) which besides being indecorous has been entirely undeserved. He performed a most invidious, and most irksome duty, and I honour him for the courage with which he undertook a task from which many men would have shrunk. It is impossible to suppose that he had any political, underhand, or sinister motive in addressing the Prime Minister. He gave his reasons for so addressing him, because, being at the head of the Common Law Bench, and on the Judicial Committee, he heard of a transaction which, rightly or wrongly, he thought would be improper, which was not yet complete, and upon which he did not pronounce dogmatically, but assigned the grounds for his conclusions. Well, then, take the case which the Lord Chief Justice suggests of a member of the Bar who is perfectly fit for appointment to the Judicial Committee—for do not let the question of fitness come in to disturb our judgment— who is not qualified

under the Act. The Minister appoints him to a vacant Chief Justiceship in India without the slightest intention of sending him out to India, but merely intending to make him a paid Member of the Judicial Committee. The Master of the Rolls says that, in his opinion, such an appointment would be perfectly proper and would be within the spirit of the Act of Parliament, and the Lord Chancellor takes substantially the same view.

THE LORD CHANCELLOR said, he had never mentioned India; but he had said that fitness was always the question, and that you could not properly so appoint an unfit person.

LORD ROMILLY said, he had argued that where a person was fully acquainted with Indian law, obtained by practice at the Bar in India or in Indian appeals at home, it would be pure technicality to prevent him from holding an office in the Judicial Committee because he had not had experience as a Chief Justice in India.

Lord CAIRNS: It is just as I supposed. Both my noble and learned Friends overthrow and deride the special qualification required by the statute, and substitute for it the one simple term, fitness. But, as I have said, every power to appoint implies fitness in the person appointed. And thus the Lord Chancellor and the Master of the Rolls cut out of the Act the express qualification inserted by Parliament. If these are the opinions of the Government upon the construction of Acts of Parliament, let us at all events record our protest and show that such is not our opinion. I confess that since I have been in this House I have never been more astonished than by hearing such opinions. The Lord Chancellor is prepared to maintain that where you have a fit man you may appoint him to be a Lord Chief Justice in India without any intention of sending him to India, in order to give him a qualification under this statute. To me such a doctrine is perfectly astounding, and I shall lose no time in recording my protest against it. But let us go a little further. I saw this case suggested the other day. Any person who has been a Lord Chancellor is qualified to act as a paid Member of the Judicial Committee. Any person by the pleasure of the Sovereign may be made Lord Chancellor. Now, the noble and learned Lord says he does not know

what the degradation of an office is. Suppose, then, a man is made Lord Chancellor not with the intention that he should remain Lord Chancellor, but that he may afterwards be made a paid Member of the Judicial Committee. He is a fit man. But is not this a degradation of the office of Lord Chancellor? If it be, why was it not equally a degradation of the office of Judge of the Common Pleas to place a man in that position with the sole view of afterwards placing him on the Judicial Committee? I will put another case. The first appointment made to the Judicial Committee was that of Sir Montague Smith—as excellent an appointment as could be made. In his place Sir Robert Collier was made Judge of the Court of Common Pleas, and after being kept there a certain number of days, he vacated his office and was placed on the Judicial Committee. In the view of the Government they might have set another practising barrister in the place at the Common Pleas vacated by Sir Robert Collier, kept him there for a week, and then have made him too a Member of the Judicial Committee. There were to be four paid Members of the Committee, and so the Government might have appointed another practising barrister in the place of No. 3, and then have passed him on to be the fourth paid Member of the Judicial Committee. This is the absurdity to which the Government have reduced themselves in the face of the world. They might have taken this important Judgeship of the Court of Common Pleas, and for the special purpose first have emptied it of Sir Montague Smith, and then have filled it again three times in succession, each man remaining in it perhaps for 24 hours, and then being passed on to the Judicial Committee. These are the doctrines which have been advanced here to-night; these are the propositions which the Government have maintained. I do not know what your Lordships may think of the matter; but, if I stood alone, I should record my protest against it.

EARL GRANVILLE: My Lords, I imagine that your attention must have been pretty well exhausted by a debate as remarkable for ability as any which I have heard. The impression on my mind is this—that there never was a case in which so much intellectual ability has been shown, not only this evening, but during the three months of the

winter upon a matter which lies so completely within a nutshell. I doubt whether so great an elephant has ever been employed to pick up so small a pin. I must say of the admirable speech of my noble and learned Friend on the Wool-sack—though he is a Colleague of my own, and though I am speaking of a matter in which every one of us is equally responsible with him to the House and to the country—that his speech was such as to carry conviction to the minds of all persons really wishing to inform themselves upon the merits of the case: and I am bound to add that the speech of the noble and learned Lord who has last sat down does not appear to me to have shaken in the slightest degree the statement made by my noble and learned Friend. If I recollect rightly, when the appointment was first made, judging from the Press, it was received with considerable approval. Then the letters of the Lord Chief Justice appeared. It is not for me to discuss these; they have been sufficiently considered to-night—but appearing as they did, at a time of year when the papers ordinarily are at a loss for interesting topics, they attracted great attention. Many grave, many very able, and some sensational articles were written with regard to them. The Lord Chancellor—with a due regard, I think, for his own dignity, and certainly showing great respect for this House—declared that he would not make any defence of his conduct except in his place in Parliament. The noble Earl opposite (the Earl of Derby) addressed a large audience in Lancashire about a month before Parliament met, and made a speech to them—abler even than most of the speeches which he has made—with a strong party ring about it. In the course of that speech the noble Earl said that a Minister of the Crown had violated an Act of Parliament only six months old by an evasion of its provisions for the purpose of finding place for one of his Law Officers. Having heard what passed to-night, I think the noble Earl must feel some regret for the statement which he then made, which has now been withdrawn, but which undoubtedly produced a great effect upon the public mind. It has been clearly and fully acknowledged on both sides of the House that the appointment of Sir Robert Collier is legal and valid. The noble and learned Lord

who has just spoken (Lord Cairns) went further, and told us he had read Mr. Justice Willes' letter, and that he agreed with every word of it. The first proposition contained in that letter is that the appointment was legal and within the terms of the statute. That, certainly, appears to be the most important point in dispute. The second proposition is that there had been no evasion, and that evasion applied to an Act of Parliament is a sensational expression. The fact that the noble and learned Lord agreed with the letter made a great deal of his argument which followed appear both illogical and inconsistent. I am no lawyer; but I cannot quite understand the meaning of the phrase, which is so constantly used—"the spirit of the Act." I cannot understand what advantage the House proposes to itself in discussions of this sort, which must have a political and party character, and which amount, in fact, to a Vote of Censure or Want of Confidence in Her Majesty's Government—from discussing points as to the spirit and meaning of an Act upon which lawyers in the House and out of the House hold directly contrary opinions. Two noble and learned Lords have argued one way, and two noble and learned Lords the other, with great ability, no doubt; and we have, if necessary, another noble and learned Lord who will agree entirely with the view expressed by the Lord Chancellor. I cannot conceive anything more dangerous than that this House, not sitting in its judicial, but in its political, capacity, should decide, apart from the question of legality, upon the spirit of an Act. I really believe that if you adopt this course it will be, in the words of the Motion, "of evil example" in our future proceedings. The noble and learned Lord laid down repeatedly what I dare say is very good law, but to a plain mind appeared like a bit of casuistry—that, in order to make the appointment to the Judicial Committee a proper appointment, it should only be mentally resolved at the time when the Law Officer became a Judge. It is one of the most difficult things in the world to tell—a man hardly knows himself—when the first mental operation occurs; and yet the noble and learned Lord was very confident about this—he defied us to give an answer. I will not give any answer; but I will ask a question which

occurred to me. In the Act relating to the Vice Presidents of the Education Committee the Queen is only enabled to select a person who is a Member of the Privy Council. Now, I should like to know whether Lord Derby when he appointed Lord Robert Montagu to that post reserved the mental operation to which the noble and learned Lord alluded till after Lord Robert Montagu had become a Privy Councillor? I do not see the slightest difference between the two cases. It is admitted—though the test of mere opinion is a dangerous one—that as regards personal fitness for this post there is not a word to be said against Sir Robert Collier, who, merely by virtue of the office which he held, was fitted for the very highest judicial post in this country. The noble Earl (Earl Stanhope) said it would be a dreadful thing for the Colonies to believe that their cases should be adjudged by men who were not competent: but surely that is a consideration which applies equally to the people of the country and to the three Courts at Westminster? At this moment they are all three presided over by very eminent men: but not one of them had any absolute judicial experience until he was appointed. But they had the invaluable training which comes from having for a certain number of years advised the Government judicially on all legal matters—not merely on points of common law, but upon matters connected with cases before the Judicial Committee. That tribunal, I believe, has cognizance of Ecclesiastical, Admiralty, Colonial, and Indian cases; whereas, I believe, a puisne Judge may have served for 20 years without having any one of such cases brought before him. By his mere professional experience, therefore, the Attorney General is much the fittest person to be appointed to the Judicial Committee. I really feel that it would be trespassing on your Lordships' attention if I were to go on mixing in these questions which have been reduced by to-night's debate to an intellectual struggle between lawyers of different opinions. We know the Common Law Judges by a large majority are against the view which the Lord Chancellor has taken. The noble and learned Lord (Lord Westbury) has told us that they administer a low and degrading form of law. We also know that the majority of the Judges who, according to the same

noble and learned Lord, administer a higher and more refined system of law, are with us. And now, is it possible, with opinions held variously in this way, that this House, acting in its injudicial character, and with the feeling, whether deserved or not, that this must partake of a party character, will proceed to pass upon the Government a solemn Vote of Censure for the construction which they have put on this particular Act of Parliament? If you really intend this Motion as a means of turning out Her Majesty's Government by the concurrent action of both Houses of Parliament, I have not a single word—I might almost say I have not a single wish—to throw in the way of an obstacle to such a proceeding. Anything is fair for party objects. Any stick, as we know, is good enough to beat a dog. But if you hold the language you have done on former occasions—if you say "There are difficulties existing, and we wish, at this moment, to support the Government"—then I say this is hardly the way to do it. The noble Marquess (the Marquess of Salisbury), putting things in the pleasant way which he generally does, speaks of extricating horses that are floundering in a bog. But the way to extricate them is not to pelt them with mud from the bank upon which you happen to be standing. If you wish to co-operate with them in carrying social measures of the highest importance I say this is not the way to do so. I do not think it is Conservative for your Lordships to be constantly at the close of one Session and the beginning of another trying to damage the Government which is carrying on the affairs of the country, while you profess a desire not to displace it. You blunt by frequent use the instrument in your hands without obtaining any practical results. I have said what I honestly feel about this question. I trust your Lordships will not condemn the action of the Government on a Bill introduced at the end of last Session for one great object—namely, to produce a fit tribunal in which the public and the suitors would have confidence, as a tentative measure for the purpose of getting rid of a vast amount of arrears, one half of which, I believe, have been already swept away. With regard to Sir Robert Collier, I may mention that Sir John Coleridge and Sir William Erle wrote to compliment and congratulate him on his appointment,

and this those distinguished lawyers would certainly not have done had they thought any stain attached to him on account of the manner in which the appointment was made. If this Vote of Censure should be passed I shall regret it on account of this House, and also on account of the evil which will arise if we are to decide what is the spirit of laws of which the letter has been obeyed.

THE EARL OF LONGFORD said, he had been charged with having laughed at the arguments adduced on the other side; certainly he had done so. He began to doubt whether there were such things as facts—whether there were such conditions as right and wrong—when he heard noble Lords, learned lawyers, and hon. Gentlemen defending such a crooked transaction as that under notice. It had once been imputed to the Lord Chancellor that he might fail in vigour in debate. He had quite cleared himself of that charge; but he had not cleared the Government of the charge of irregularity in connection with this appointment. In his judgment, this was a case for grave Parliamentary censure, and he should give his vote accordingly.

On Question, "That the words proposed to be left out stand part of the Motion?" their Lordships divided:—(Leave being given to the Earl GRANVILLE, the Lord STEWART of GARLIES, and the Lord RIVERS to vote in the House):—Contents 87; Not-Contents 88: Majority 1:—*Resolved in the negative.*

Resolution, as amended, *agreed to.*

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TREATY OF WASHINGTON—
ALABAMA CLAIMS.

Moved that an humble Address be presented to Her Majesty for, Production of the Case prepared on the part of this country in the matter of the arbitration of the Alabama Claims.—(*The Lord Oranmore and Browne.*)

Motion agreed to.

JUSTICES OF THE PEACE QUALIFICATION
BILL [H.L.]

A Bill to amend the Act eighteen George the Second, chapter twenty, with respect to the qualification required for the office of Justice of the Peace—Was presented by The Earl of ALBEMARLE; read 1^o. (No. 19.)

CHURCH DISCIPLINE ACT AMENDMENT
BILL [H.L.]

A Bill to amend the Church Discipline Act, 1840—Was presented by The Lord Bishop of WINCHESTER; read 1^o. (No. 20.)

House adjourned at a quarter past
Twelve o'clock, A.M., till
Eleven o'clock.

HOUSE OF COMMONS,

Thursday, 15th February, 1872.

MINUTES.]—SELECT COMMITTEE—East India (Finance), appointed; Letters Patent, nominated; Kitchen and Refreshment Rooms (House of Commons), The Lord Advocate added.

First Report—Public Petitions.

PUBLIC BILLS—Ordered—First Reading—Pacific Islanders Protection [45]; Criminal Trials (Ireland) [47]; Wildfowl Protection [48].

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Committee—Royal Parks and Gardens [17]—S.P.

EDUCATION—
SCHOOL BOARDS AND GRANTS TO
DENOMINATIONAL SCHOOLS.

QUESTIONS.

MR. DIXON asked the Vice President of the Council, Whether he will inform the House of the number of Boroughs and Parishes in England and Wales respectively in which School Boards have been formed; and, of the number of School Districts in which there exists a deficiency of educational provision, exclusive of those where School

Boards have been formed, and in how many of these deficient districts the Department has taken steps to cause the formation of School Boards?

MR. W. E. FORSTER: These two Questions of my hon. Friend go over so much ground that I fear I must ask the attention of the House while, as briefly as possible, I give a full answer to them. With regard to the first Question, I may state that school boards have been formed in 88 boroughs in England and in 11 boroughs in Wales; and as regards parishes not boroughs in 120 in England and 125 in Wales. The House may like to be informed what proportion these numbers bear to the total number of boroughs and parishes. There are 224 municipal boroughs and about 14,800 parishes not boroughs in the kingdom; so that, taking together England and Wales, there are 99 out of 224 boroughs and 245 out of 14,800 parishes in which the compulsory formation of school boards has been anticipated by local action. These figures would, however, by themselves give a very unfair impression, and merely mislead the House and the public. If, instead of the numbers of boroughs and parishes, we take the population, I find that the population of these 99 boroughs in which there are school boards is about 5,200,000, while the population of the 125 boroughs in which there are no school boards is only about 1,200,000. Again, while the total population of the 14,800 parishes not boroughs is about 13,000,000, the population of the 245 in which there are school boards is more than 1,100,000. The average population of the 245 parishes with school boards is about 4,550, while the average of the large number of others is only 820. The fact is, the larger the school district the larger in all probability the school deficiency, and therefore the greater the difficulty of its provision without the assistance of the rates. The inhabitants of a large town, or borough, or of a populous manufacturing village, seeing that a rate is inevitable, ask for it at once, while in a small rural parish there is a hope and an effort to avoid a rate by voluntary subscription. But in either case, there is a most praiseworthy desire to make the needful provision to meet the educational wants of the district without waiting for the central office to compel such provision; and I feel sure that the House will gratefully acknowledge the general and, I may say, the

wonderful response which has been made throughout the kingdom, not only in the towns, but also in the rural parishes, to the measure which we passed only a year and a-half ago. Adding the metropolis, which, as the House is aware, is under a school board by the Act, the total population in England and Wales already under school boards is 9,550,996, or about three-sevenths of the population of England, and about one-third of the population of Wales. This difference between England and Wales is not because school boards are less popular in Wales—the contrary is the fact; but because in Wales the agricultural districts bear a large proportion to the towns. I must take this opportunity to state another fact which will interest all those Members who are watching the experiment of compulsory attendance. When I had charge of the Education Bill I ventured to prophesy that such compulsion would be tried in several large towns, and I also ventured to state that the opinion in favour of compulsion would be found throughout the country to be much stronger than was generally supposed. My expectation has been more than confirmed by the experience of the last few months. The school boards of London, Liverpool, Manchester, Bristol, Birmingham, and of almost all the large towns, and of several of the smaller districts, have bravely grappled with this difficulty, and bylaws for compulsory attendance have been already passed by 119 school boards, having within their districts a population of about 8,000,000, more than one-third of the population of the kingdom. I come now to my hon. Friend's second Question. He asks me in how many school districts, where there are no school boards, there is educational deficiency? To this Question I can give him no definite answer to-day, although I hope to be able to do so in a few weeks. The reason is, that the educational survey of the country is not yet quite completed, and I think hon. Members will not be surprised at this statement when they remember that this survey has to be made over more than 15,000 districts, and that our officers have not only to ascertain the number of schools and children, but whether these schools are or are not efficient and suitable, and—a most difficult question—whether parishes should or should not be grouped together. Our Reports are, however, now quickly

coming in; and, though the Department is hard-worked in meeting the requirements already under school boards, we shall, I hope, very soon begin to compel the supply of that school accommodation which may be proved to be deficient in the other half. As yet we have issued no orders for school boards except under Section 12 of the Act; but before the end of next month we expect to begin to issue our notices of deficiency of school accommodation under Section 9.

MR. DIXON asked the Vice President of the Council, If he can state,—The number of Denominational Schools to which Building Grants have been made since August 1st, 1870, and the amount of said grants; the number of applications for Building Grants still under consideration and the estimated amount of grants still to be made; and, the number of such applications which have been declined?

MR. W. E. FORSTER: The number of schools to which building grants have been made since August 1, 1870, is 999, and the amount of such grants is £168,131. Of these, 948 are denominational schools, with an amount of £160,850. When I say that these grants have been made I do not mean that they have been paid, but that the proposals of the managers have been accepted, and that payment is promised on the buildings being completed. There are still 1,901 applications in progress. Of these, 1,287 have been approved by the Office, subject to the fulfilment of conditions as regards plans and other details. There remain 614 which have not reached the stage of approval or disapproval, chiefly because their promoters have not given the necessary information. The number of applications which have been refused is 243, and 194 have been withdrawn. My hon. Friend asks me the estimated amount of grants still to be made? To this Question I can give him no precise answer, as every one of the applications which is not passed is subject to such deductions as may result from inquiry by the Department. As, however, the building grant bill is a matter of much interest, I will endeavour to make a guess at its amount. No money, as I have stated, is actually paid until we have a certificate of the completion of the building. It is possible that of the 999 schools for which we have promised payment, on completion, some will not be actually built. It is

probable that this will be the case with a still larger proportion of the 1,287 which we have approved; and I expect to hear nothing more of a large number of the remaining 614. Taking into account all these probable deductions and estimates, the grants still to promise at £168 each, the average of the 999 already promised, I think I shall make an outside guess if I estimate the total building grants to be paid in respect of applications since the passing of the Act at about £400,000 to about 2,400 schools, and, taking a rough average, providing school accommodation for about 400,000 children. This £400,000 may appear a large sum out of the taxes; but it must be remembered that it will be a much larger saving to the rates. We find, taking the average of the last four years, that the Parliamentary grant is slightly less than one-fifth of the total cost of building a school. We shall therefore, if my estimate be correct, finish up our building grant system by a grant of £400,000, to which private individuals will have subscribed £1,600,000, and we shall have provided schools for 400,000 children, which, without this grant and this voluntary subscription, would have required an outlay of £2,000,000 out of the local rates.

MR. OSBORNE asked whether questions of this nature and answers of this nature might not more properly be given in the shape of Returns?

MR. SPEAKER: A Member is at liberty to seek information, either by a Question to a Minister, or by moving for a Return. The Question asked by the hon. Member covered a great deal of ground, and very naturally the right hon. Gentleman found it necessary, in his Answer, also to travel over a great deal of ground. But much of the information asked for might, perhaps, have been given by a Return, as the hon. Gentleman has suggested.

LORD ROBERT MONTAGU inquired whether it would be possible to give the proportion of grants to denominations?

MR. W. E. FORSTER replied that the Return of last year, giving such information, could be carried out; and added that he was sorry he had been obliged to give such long Answers to the Questions of the hon. Member for Birmingham (Mr. Dixon), but they referred to matters of great interest; and a mere statement of facts, without exemptions of that half of the kingdom which

unusual and preposterous that I ventured, as a very humble Member of the House, to undertake an act of public duty, and afford it the opportunity of expressing an opinion for or against "secret voting." So far I feel it due to the House to give it this personal explanation. In the discharge of this public duty, I should not consider myself justified in detaining the House at any great length, as I feel that this question has, in the course of 30 years' discussion, and particularly after the exhaustive debates of last year, been threshed and winnowed to an extent almost unequalled in any public question that I know of. But notwithstanding this process the sample of corn presented to us is a very bad sample, and I am compelled to look at this measure as an article which I am not prepared to purchase at any price, not even the price of tranquillity at elections, although I am not prepared to say, when you get a number of voters crowded together in a polling-booth with papers that they do not understand, and pencils they cannot use, in their hands—voters huddled into a corner and a hole—that they will preserve a very good temper. That is a matter for experience in the future. But now I make an admission, and make it freely. I admit that the Bill, whose second reading has been moved, is an improvement on the measure of last year. I think its general framework is considerably simplified. I think that its size in that respect is amended. I find it contains in place of the 54 clauses of the old Bill, 28 clauses; but the remarkable feature about this Bill is, it is a Bill of schedules. All the most important matters of detail contained in it are contained in the schedules, and schedules of a very large description. There are no fewer than 61 clauses in the first schedule. This is a novelty. I only allude to it in passing—I do not complain of it—but it is rather a new form of presenting Bills to this House. I may also observe that this Bill is called by its right name—at least partly by its right name. It is to be cited as "The Ballot Act." I should be content if that were a true description; but I contend that it is not a true description, because this is a secret Ballot Act, and that is the worm at the core of this measure. That is its worst feature; and it is on that ground I mean to resist it. I have said that the Bill is

presented to us in an improved form; and it would be strange indeed if, after the exhaustive debates of last year, and after the collective wisdom of this House had spent so many weeks upon the improvement of the measure, it had not assumed a new shape. But in saying this I must be permitted for a moment to cast one longing, lingering look behind, and I cannot but remember that the collective wisdom of this House was not concentrated upon this Bill. It was not half the collective wisdom of this House which brought about the great amendments of which I have spoken. I cannot forget that for the first time in history a strike took place within the walls of Parliament, and that, as is usually the case, at a time when employment was at its height. It is an extraordinary thing that the old workmen turned out in a body, and left the completion of the work on which they had been engaged for years to a parcel of new hands, foreign workmen, and men not naturally handy at the job. I cannot but think if the whole collective wisdom of the House had been employed on the Bill, it would have been a better Bill; but its defects are not the fault of this (the Conservative) side of the House. Now, Sir, I am in no sense reconciled to the Bill in consequence of the amended form in which it presents itself, and I object to it because it is a great fundamental change in the most important duty we have to perform in this country, and because that great and fundamental change is to my mind unnecessary, and I believe uncalled for. I have had some experience of public life, and I am sorry to say that I have observed that fundamental changes do not always involve a settlement of great questions. On the contrary, my observation leads me to say that they are apt to unsettle men's minds; that they are apt to induce men to make larger demands, increasing in proportion to the magnitude of the change; and this is one of the main reasons why I so strongly object to this Bill. I do not believe that the most prescient statesman in this country knows or can tell what the effect of secret voting in the transactions of public life will be. We will probably have large demands for reduction of the suffrage, for re-distribution of political power, and the re-arrangement of seats. This may be the inevitable and neces-

sary consequence of the passing of this Bill. I am the more strengthened in my dislike to the Bill because I do not think the country at this moment is in favour of great and fundamental changes. If we have learned anything from one of the most eventful Recesses which have ever passed, we have learned that this country is averse to such changes. We have heard a great deal during the Recess about Monarchy, and we have heard something about the House of Lords, and we have heard something from obscure places about Republics. But I believe that Monarchy was never so secure and never so much beloved as at this moment. I believe that the House of Lords will exercise for many years to come its constitutional privilege of revising or rejecting hasty and ill-considered measures. And as to Republics, this country watched anxiously, and has not forgotten, what occurred a year ago in a neighbouring country with which we are on terms of friendship; and looking to America, we cannot but have seen that a high standard of political morality is not an invariable accompaniment of Republican institutions. So that I think at the present time England is not favourable to great and fundamental changes. Well, I object to this Bill being forced down our throats, because a certain number of people—and they are very few indeed—have come from Australia and told us that in one part of that Continent secret voting has worked well. They do not deny that there are a great number of defects, either inherent to or encouraged by it, and I suppose they will by-and-bye devise some remedies. The suspicious circumstance attending the production of this Bill is that it is presented along with its antidote. I do not like a measure that requires an antidote as soon as it is passed. I object to it because Australia, and one community in Australia, is the only place from which a recommendation of the system of secret voting comes; I object to it because the example of America is wholly ignored; and I object to it because many of our leading statesmen show an anxiety, a haste, a rapidity, in changing their opinions on this great subject, which does wonderfully little credit to the long cherished and often reiterated opinions, and to all the convictions uttered from year to year of their political life. I venture to say

also that this Bill is unnecessary and uncalled for. Murmurs of disapprobation were not long ago expressed at the conduct of another branch of the Legislature refusing to pass a measure when they had not time to enter upon its consideration. But there was no violent expression of opinion, as far as we can judge from the tone of the Press. There is another source of information, what are called extra-Parliamentary utterances, and we have not heard this measure urged in many of these utterances. That, I think, justifies me in saying that the Bill is regarded with apathy by the country. We have seen elections in East Surrey and in North Yorkshire; but will any one pretend that if the Ballot had been in operation those elections would have been attended with different results? I have never heard anybody say anything of the kind; but if anyone is prepared to say so, I hope they are prepared to prove that the will of the electors was not expressed, and truly expressed, in those great communities. So much for England. And what are we to say of Ireland? Ireland has been the place where we have been always told that the Ballot is necessary. It has been recommended to us on the strength of the Irish argument; but we have seen three elections in Ireland; and three candidates presented themselves on the mysterious platform—which, I confess, I do not understand—of "Home Rule," and each of these candidates by a crushing and overwhelming majority, and in the last of these elections in spite of the expressed wishes of Bishop Moriarty, who enjoyed a large share of public respect, was returned. Can it be said, then, that the expression of the national will has been impeded or falsified by open voting? The result of these Irish elections is a warning to the Government, showing them that they are not able by their policy to conciliate the people of Ireland. I am very glad that this measure has been presented in two parts; but I would suggest that as these two Bills belong to each other they stand in the relation almost of horse and cart. To be useful they must be connected. I do not want to see the horse—that is, the Ballot Bill—cut loose, while the cart is left to take care of itself—the cart being the Corrupt Practices Bill. I hope the House will not listen to the third reading of the present measure until the

other has been brought to the same stage. I know that in America secret voting is allowed, and in practice that the Americans use the Ballot as a convenience but reject it as a restraint, and although I have not had time to acquaint myself with the working of the system in Canada, I am inclined to believe that the Canadians follow the example of their neighbours, using an open Ballot and not a secret Ballot. I ventured last year to say, and I repeat it now, that a law which is framed in opposition to the habits and in disregard to the feelings of the people is certain to fall into disrepute and then to become obsolete. The Government had only the other day abandoned their own convictions on another subject in deference to a public opinion based on sentiment rather than on reason, and had felt themselves compelled to take a course which I believe they did not in their hearts approve; and if good and salutary laws thus succumb to popular sentimentalism, how much more will bad laws be compelled to yield to popular dislike? Recent experience shows us that men in high places find the means of shaking off the trammels of statutes in order to carry out their purpose, and I believe that if the principle of the secret Ballot is forced upon the country the people will trample upon a law that is foreign to their habits and repugnant to their instincts. The hon. Gentleman concluded by moving his Amendment.

COLONEL BARTTELOT, in seconding the Amendment, said, that his hon. Friend on the front Bench below him deserved the thanks of that side of the House for the ability with which he had brought under their notice this great question. The real question upon this subject had never been fairly put before the constituencies—that was, whether they, as Englishmen, preferred the present system of open voting to the vote by Ballot, a secret system, now proposed. No doubt there were many hon. Members who, influenced by political prejudice, were prepared to say that the Ballot would be a great boon to many classes of the community; but not a man would come forward to say that he personally was afraid to record his vote unless he was protected by the Ballot. Under these circumstances, he was justified in asking upon what grounds this measure had been in-

troduced last year? Was it because by extending the franchise they had gone backwards politically, that the Ballot had been rendered necessary? Were the classes who had obtained the franchise under the recent Reform Bill less independent than the class immediately above them? This Bill indirectly cast a great slur upon the working classes of the community by insinuating that they were unable to protect themselves in giving their votes; but he was prepared to contend that the working classes were as independent and able to protect themselves as any class of people in the country. The small shopkeepers were not nearly so able to protect themselves; but the Government during the time that this class had power never introduced any Ballot Bill. Had anything arisen in modern times to call for the Ballot? Had the elections that had taken place in England produced any necessity for the Ballot? It was perfectly true that the candidates that the Government wished to be returned had not been returned; but was that in consequence of open voting, or because of the unpopularity of the Ministry? East Surrey had returned a candidate opposed to the Government, not because the electors of that county had been afraid to express their political opinion, but because they repudiated and disliked the measures introduced into Parliament by the Government during the last Session. The 2d. income tax, that hasty Budget, the amendment to the match tax, were particularly disliked. It had been said that the electors of East Surrey had been influenced in their choice of a Member by the Licensing Bill; but, although that measure was undoubtedly a bad one, he did not believe that it was the introduction of that Bill that had led them to return a Conservative as their representative. There were other measures which had been introduced by the Government that had conduced to that result, and in addition to these were the two scandals arising from the acts of the Government, one of which was at that moment being discussed in "another place." But if the Ballot would not have much effect in this country, would it not have some effect in Ireland? "U —" hon. and learned Attorney General for his place, and

a lively speech, in which he would cut him into ribbons; but he did not fear him, because he did everything in good part, and if he could find a weak point in his harness he was ready to stand up and to receive his charge. But he asked whether the result of the Irish elections would have been in any way altered had the Ballot been in operation? He regretted to be obliged to say that the elections in Ireland were a disgrace to our representative system, because men were not able, under the state of things that existed in that country, to go to the poll and to record their votes freely according to their consciences. He said, with pain and sorrow, that the inflammatory addresses which had been pronounced by gentlemen wearing sacred garbs, and who therefore ought to know right from wrong, had stimulated the passions which the Government had tried, but had signally failed, to smooth by their recent legislation. He trusted that when the right hon. and learned Gentleman the Attorney General for Ireland got up, the House would hear from him that he, like the right hon. Gentleman at the head of the Government and the right hon. Gentleman the Member for Birmingham (Mr. Bright), repudiated all idea of Home Rule for Ireland, for nine-tenths of the House would hold firmly that the Imperial Parliament should legislate for the whole United Kingdom, and that nothing that could be said by any Home Ruler or demagogue on the other side of the water would turn them from their course. It was supposed that the Ballot would do two things—first, that it would prevent bribery and corruption; and, secondly, that it would protect the voter in voting according to his conscience. But had hon. Members never heard of such a thing as payment by results? Could not a candidate say to an elector—"If I am returned I will do such and such things for you and your family?" And would bribery of that description be as easy of detection as the more open bribery now practised? Then as to the question of intimidation. Could anyone say that intimidation had increased of late years, or that the landlords could compel their tenants to vote as they chose? He thought that the recent elections in Ireland would prove the opposite. He could not see, therefore, that the Ballot was required on these grounds. On the

other hand, the Ballot would afford great opportunity for personation by rendering the detection of the offence more difficult. If A, in the morning, personated B, what would be the result? When B came, they would mark his vote so that it should be known; but there would be the greatest difficulty in following the other man A, who had committed the offence. In his opinion, each man ought to honestly record his political conviction and to give his vote openly. Doubtless the right hon. Gentleman the Vice President of the Council, and perhaps one or two more of the Ministry, had been in favour of the Ballot ever since their first entrance into Parliament; but what had become of the opinions of the right hon. Gentleman at the head of the Government, and of several others who sat near him? Why, after maintaining the efficacy of the old system for upwards of 30 years, the Prime Minister and several of his Friends had suddenly changed their front and had come round to the opinion that political safety was to be found in secret voting alone. Was it improbable that certain hon. Members opposite, sitting below the gangway, had said to the Government—"We must have the Ballot, or else you cannot have our support?" He recollects well enough when one of the Ministry, in meek and mild terms enough, stated, to his constituents, that his opinions had undergone something of a change with respect to the Ballot, and that afterwards he had become bolder and bolder until now he said he had adopted the Ballot entirely. But let the Government beware; let them look below the gangway and ask themselves whether by the sacrifice of all their political convictions one by one they had gained over the party below the gangway. He warned them that before they carried the hon. Members below the gangway with them they must take even greater jumps than they had done already—that they must adopt the Church Bill of the hon. Member for Bradford (Mr. Miall), the education scheme of the hon. Member for Birmingham (Mr. Dixon), and the views of the Roman Catholics with regard to Irish Education. There was a little programme for the Government to swallow. He, however, trusted that they would remain firm, and that even if they temporarily supported the Ballot Bill, they, under the pressure of the women of

opinions, and that the time had come for the change, they should not be twitted with inconsistency. He would unhesitatingly say perish consistency, if consistency were to be an obstacle in the path of such reforms as that now called for. As to bribery, which it was said would not be prevented by the Ballot, he thought the Ballot would have a considerable effect in that direction, though he did not expect any legislation to put down bribery altogether. If the law was in advance of public sentiment and public morals, it would only have a partial operation; but he looked forward to a time, which he believed would be accelerated by this Bill, when it would be deemed as unjust and immoral for an English gentleman to bribe as it is now for him to tell an untruth, or to commit any other mean action. In a mercantile community men would not be so willing to pay for a vote, whether before or after an election, if they had no certainty of receiving that vote. Ingenious systems of bribery, such as that practised at the Dublin election of 1868, would certainly be put an end to by the Ballot. Moreover, the state of the poll would not be known while the election was going on. The political thermometer on the polling-day of a contested election began at zero, and gradually rose to fever heat; and in small constituencies, where 60 or 70 men turned the election on either side, the effect of the announcement at 3 o'clock that one was five ahead, and ten remained to be polled, might easily be imagined. He wondered what the value of those ten men would be. Such men looked forward with the greatest interest to party quarrels and disputes in Parliament, in the hope of a Ministerial crisis and a General Election; and so strong was this feeling, that in a borough in the West of Ireland the chairman whose duty it was to revise the list was appealed to by one voter in the name of all the Saints not to strike his name off, because if he did his bread would be gone. Much good had been effected by changing the venue of Election Petitions, and still further good would be done by the passage of this Bill. It would be very efficacious with regard to intimidation and undue influence—not the intimidation which could be dealt with on Petition, such as the intimidation of large mobs, whose employers could be

traced, but that which worked unseen. He referred to the intimidation exercised by landlords on tenants, a form of which existed in England and Scotland, as well as in Ireland, by employers on the employed, by customers on shopkeepers. He had known instances of intimidation by a shopkeeper on a customer, by a lawyer on a client, by a doctor on a patient, and on a patient by a doctor. He had known half a congregation leave their parson and set up another place of worship on account of his vote, thus depriving him of a considerable part of his income. It was important to guard against the intimidation exercised by one class on another, and also on that exercised by men in a particular class against their fellows. The proceedings of the International Society, and of trades unions, ought to be considered, and the suffrage having been conferred on the masses—a privilege alleged to have been unasked for, and, perhaps, not desired—Parliament was bound to protect them in its exercise. The intimidation supposed to be exercised by the Nationalists in Ireland had been referred to, and the hon. Member for Northumberland (Mr. Liddell) had cited the Kerry and Galway elections as proofs that the Irish people had no difficulty at present in expressing their opinions. This, however, was assuming that the results of those elections really expressed their opinions. He was not going to say they did not, and he should be very careful on this point, for, having regard to the recent date of the elections and to certain contingencies, it would not be fair for him to offer an opinion. The hon. and gallant Member for West Sussex had asked whether the Ballot would have altered those elections, evidently assuming that it would not; but if he himself had a lurking opinion to the contrary, who could say which opinion was correct? The only way would be to make trial of the Ballot, and see how the next elections went. He admitted to the full the advantages which had been conferred on Ireland by the Church Act and Land Act, but sufficient time had not passed for the fruition of the advantages they conferred; but he believed the Ballot was required in Ireland by the Irish people in order that they might be free to exercise a free franchise. [Mr. NEWDEAWE asked why Ireland was not in the Bill?] Ireland

The Attorney General for Ireland

was in the Bill. He hoped he understood the hon. Member. He was ready to answer any question of the hon. Gentleman; but there was what lawyers called a condition precedent, and that was that he understood him. At the last Meath election an hon. Gentleman (Mr. Martin), who boasted of his return as evidencing the desire of the people for Home Rule, polled only 1,040 votes, his opponent, Mr. Plunket, receiving 684, and 2,503 electors not voting at all; whereas, in 1868, Mr. Corbally polled more votes than Mr. Martin and Mr. Plunket put together. This seemed to show that the electors would not vote when they found an overwhelming power overawe them; but were they secured from landlord coercion on the one hand, and from intimidation on the other, they would exercise the franchise, and even if the result were the return of 60 or 80 Home Rulers this would be better than dissatisfaction, and, perhaps, insurrection. Though he should regret their return, some advantage might flow from it—they would mix with English and Scotch Members; they would see that there was no disinclination to listen to the voice of Ireland; they would see how business was conducted, and how conscientious opinions were formed on both sides of the House; and he believed that were Home Rule brought to the touchstone of discussion, Parliament would be benefited by their presence. He did not think a result of the Bill would be to bring those men into the House. He hoped it would not, for he firmly believed that the welfare and salvation of Ireland depended upon the Imperial connection. He believed this was a good measure for England, Scotland, and Ireland. They were all open to criticisms as well as the Bill. The time had now come for the passing of this measure; this was plain from what had been said that night, for if the allusion that the work last Session was done by foreign workmen applied to hon. Members below the gangway, it implied that the workers on the Front Opposition wished not to impede the passing of the measure. It was said that it was easy to criticize, and there was high authority for saying that critics were men who had failed in literature and art; but this, of course, he was bound to say, did not apply to politicians. Destruction was easy, but construction was difficult, and he agreed

with the words quoted by Lord Coke—“Blessed be not the complaining tongue, but the amending hand.” That had been the principle of those who had brought forward this Bill—namely, a conscientious desire to reform the Constitution, not by introducing violent changes, but by giving to voters the power of freely exercising the power of voting which had been conferred upon them. He thought the result would be to strengthen the Constitution and to strengthen the Monarchy, to which we owed all the liberty we now enjoyed, and he hoped the time would never come when there would be in this country any institution like the Commune of Paris or the Tammany Ring of New York. If the House secured the well-being and happiness of the people, if they enabled voters to come forward and record freely their opinion on public affairs, they would increase their claims to be considered the representatives of the people of England.

MR. STEPHEN CAVE said, that the right hon. and learned Gentleman had, whilst attacking the hon. and gallant Member for West Sussex (Colonel Barttelot) for having diverged from the direct question before the House, followed a similar course by referring to the Home Rule question the rights of the Monarchy and other subjects not connected with the Ballot. He had also, while depreciating the discussion of first principles, led them into *Cicero* and the *Encyclopædia Britannica*. He concurred in the sentiment expressed by the right hon. Gentleman that destruction was easy and construction difficult, and it was on that ground that he preferred improving things that were in existence to making organic changes. He also concurred in the observation that it was desirable to prevent the bribery and corruption that take place on the day of polling; but he very much doubted if this Bill would effect that desirable object, whilst it might be easily attained by passing a short Act, without the Ballot, prohibiting any declaration of the poll until the end of the polling. It was the fashion to say that the arguments on this subject had been by frequent use worn so threadbare that one felt ashamed of repeating what had been so often said, and one despaired of adducing anything which should be at the same time both new and true. But he thought that at this period of these long controversies

the opponents of the Ballot might claim at least to have time on their side. The arguments that had been used by them year after year for so many years had gathered strength, and those which were employed on the opposite side—he admitted with great force a quarter of a century ago—had, from change of circumstances since those days, become more and more inapplicable. In those days, no doubt, corruption and intimidation were rife throughout the land; on both sides they were employed almost openly, certainly avowedly. The time came when they were acknowledged to be gross evils and abuses by the best men of the day, who differed only as to the means of suppression. Some were for the rough and ready way now proposed, others, fearing that the remedy might be worse than the disease, preferred trusting to the advancement of the lower classes of voters, to improvement in public opinion, and to greater strictness of law. Well, he thought it could not be denied that great improvement had been effected in these ways without the Ballot. The opinion of the Judges—under the Act passed by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), quoted last year by the hon. Member for Southwest Lancashire (Mr. A. Cross), to which he need, therefore, only refer—proved conclusively that, in comparison with what formerly was the case, these offences, against which the Ballot was levelled, could scarcely be said to exist. It was surely the duty of those who advocated so sweeping a change to prove that it was necessary, and this they attempted to do by adducing the few shreds and patches of the old system which we all acknowledged to remain as evidence of widespread evil. It was as if they were to attempt to prove that the best modern agriculture was a failure because here and there in a corner they found a few thistles in a field formerly covered with them. These things—these political weeds—did not die out in a day; their roots struck deep, their seeds were widely scattered. The Act to which he referred had only been in operation since one election. We had hardly yet felt the full results. We were too apt in this country to act like children, who dig up flowers to see why they do not grow, and to hurry on fresh enactments instead of giving time to those already passed. He admitted,

however, that this question, so often discussed, if it had not gained in argument, had undoubtedly obtained a great accession of adherents. From being the subject of the annual speech of a kindly genial Member now gone from among them—a speech which he was afraid usually cleared the House—it had now become a vital question—a question by which Cabinets stood or fell—a question the blind and instantaneous acceptance of which was to be made the condition of the continued existence of the upper branch of the Legislature. Could it be that men's opinions had changed in the meantime? He agreed with the right hon. and learned Gentleman that opinions might well change from time to time, but if so, they should have heard fresh arguments, but these were altogether wanting. The best they had heard said by those Members who follow the Vice President of the Council into the lobby opposite to that into which they formerly followed Lord Palmerston, was, "We acknowledge that bribery and intimidation are rapidly dying out, but there is a feeling out-of-doors in favour of the Ballot; it will not do much harm; we swallow it for the sake of the party." He quite admitted that there was a considerable section, though a minority, on the other side, who attached great value to the Ballot, as likely to break down what he believed, and what he was glad the hon. and gallant Member for Galway (Captain Nolan) admitted, to be legitimate influence. Those who wanted school boards everywhere, not to improve education, but to thrust out the squire and parson—those politicians wished to destroy the natural influence which such men had over their poorer neighbours, who consulted them in the every day affairs of their humble life; but were to avoid them as a pestilence when they were about to perform the most important duty to which they were called. Politicians of that class detested, and would annihilate that neighbourly influence of education and station, because there was something feudal in it, and it offended against their notions of that absolute equality which had never been attained. Let them take warning by the fact that this excessive independence was beginning to show its results in want of respect to age as well as rank, and that the example of another country demonstrated that it was apt to weaken family as well as social ties.

We were to have no canvassing, no persuasion ; the political education of the people was to be carried on by declamation and the Press—very powerful and very useful engines, no doubt, but apt to be somewhat despotic ; and at any rate the result would be that no person would have a chance who had not either the gift of oratory or the assistance of the Press. And if this was so, he was afraid that many useful, sensible, unassuming men, whose value was appreciated highly in the House, would have little chance of getting there. Her Majesty's Government were, he thought, unduly pliant to every blast of popular agitation. He found in the country a general opinion that they could not be trusted to stand by their colours. The speech and Bill of the Home Secretary on Tuesday were a concession against his own convictions to a well-organized agitation. This pressing on of the Ballot Bill was another instance. Yet if ever a Government could afford to be firm the present Government could. They had a large majority ; an Opposition which he was sure had not unduly pressed them, and he believed there was such a feeling in the country that we had had enough of organic changes at present, and a general desire to avoid them while the aspect of foreign affairs were so threatening, that if the Government could make up their mind to devote the Session to the many pressing social measures, about the principles of which there was general concurrence, they would meet with abundant support both in the House and in the country, and might let these limited, and, to a great extent, local agitations pass by, as he believed they would pass by, unheeded. Last year, in supporting the Motion of the hon. Member for Southwest Lancashire (Mr. A. Cross), he went so fully into the whole question that he would not presume to weary the House with a repetition of his arguments. More than once since then a parallel had been attempted to be drawn between the deliberations of a Cabinet or of a jury and the act of giving a vote for a member of the Legislature. It appeared to him that a greater mistake could hardly be committed. A Cabinet or a jury was, *pro hac vice*, an individual. The deliberations of such a body were like the thoughts of an individual. People sometimes thought aloud, no

doubt, and discussed questions with themselves, and very remarkable dialogues he had known them hold with themselves ; but it would be as absurd to found legislation on such a habit as to say that because Cabinets or juries discuss questions in secret, therefore voting should be secret too. The hon. Member for Huddersfield (Mr. Leatham), he remembered drew a distinction between the jury and the Judge ; the latter, he said, could never come to harm by an upright decision. Since then we had had a painful instance of an English Judge in India losing his life in consequence of a fearless and upright sentence. That sad catastrophe, he was sure, would not prevent English Judges from acting with the fearlessness that had always characterized them. And what was the value of that courage which dared only to do the duty to which no risk or inconvenience was attached ? Since the debate last year the unparalleled frauds in New York had been brought prominently into notice, and had shocked and startled the world. In commenting on these occurrences, an American paper said—

"It has been a struggle between fraud and corruption on one side and good government on the other, in the whole of which the Ballot has been an instrument in the hands of the worst instigators of political immorality."

The opinion among educated politicians in America, in which he entirely concurred, and with which he would conclude his remarks, seemed to be this—that the Ballot was a convenience for saving time, not a guarantee for secrecy. No such thing as a secret vote was possible, save to a man who could resent and repel pressure and defy hostilities. To such a man he need hardly say the Ballot was entirely useless, and its protection would be scorned. He gave his entire support to the Amendment of the hon. Member for South Northumberland (Mr. Liddell).

MR. WALTER said, he was quite aware that there were few things more unsatisfactory than to debate a foregone conclusion in a thin House. He regretted that the forms of the House compelled him, in taking a hostile attitude to the Bill, to go into the lobby in opposition to the Government, and as his hon. Friend (Mr. Liddell) had moved a direct negative to the measure, he had no alternative than to follow him into

Now, he objected to a borough conferring a county vote, and he would tell the House why. He would take the case of Smith and Jones, who occupied their own freehold houses, say contiguous houses, in a borough. By their occupation of them they would each have a vote for the borough and not for the county. Suppose these two men to be of different political opinions, they would thus neutralize one another, and there would be no object in their gaining votes for the county. But suppose they agreed in politics, what would follow? Smith might say to Jones—"Why not have two votes—one for the county as well as one for the borough?" Jones would ask—"How can that be managed?" "Oh, very easily," Smith would reply; "you can go into my house and I into yours, and by exchanging in that way we get a vote for the county by our freehold and a vote for the borough by our occupation." That was not a fanciful thing. He knew it could be easily done, and could anything be conceived more utterly absurd and indefensible? In his opinion, occupation and property should each qualify for a vote for the borough in which that property was situate, and a similar qualification should exist for the counties. But if the House were to sanction a measure so fertile in important consequences as this Ballot Bill, it was impossible to disguise from themselves the questions which must follow; they were bound to face those questions, and before the end of this Parliament to come to a final settlement of them. With these few remarks he would take leave of the subject. He would vote against the second reading, but would take no further steps in opposition to the measure.

MR. GOLDNEY said, the Bill was in substance very much like the measure of last year. It had been amended in some respects, and altered in its shape by merely putting its principles in the body of the Bill and its details, or the mode in which it was to be carried out, in the schedules. It dealt with three main points—the nomination of candidates, voting by Ballot, and the powers and duties of the returning officer. As to the alterations which it proposed to make in the system of nomination, he did not think the Bill would be an adequate remedy for the evils which

were said to exist. If the Bill passed, the returning officer would be vested with larger powers than he ever possessed before, to such an extent that it would be in his power to turn an election. The time fixed for the nomination was to be limited to two hours, and the nomination itself was accompanied with these restrictions—that the candidate should be nominated in writing by ten registered electors—the proposer, seconder, and eight others; that the nomination paper must be handed to the returning officer by the candidate himself or his proposer or seconder; that each candidate should be nominated by a separate nomination paper; that the same electors might subscribe as many nomination papers as there were vacancies to be filled up, but no more; and that the returning officer should have power to decide on the validity of every objection made against a nomination paper. If those provisions were agreed to, it would be easy enough to get the nomination of a candidate altogether vitiated by persuading one of the signers of the nomination paper that the candidate had retired, and that he (the elector) must therefore sign another paper nominating someone else. As to voting by Ballot, the returning officer was to determine the mode in which a candidate should be nominated, and what sort of a description of him should be sufficient; and that, again, was a serious objection. The filling in of the voting paper, in the same way, would be so much within the control of the returning officer as to what would constitute a proper filling in that he would have immense power over the recording of votes. Another great objection was that the Bill, as at present framed, would give the returning officer power, if he chose to exercise it, of delaying an election very considerably. He could take nine clear days between the receipt of the writ and the nomination, six clear days before fixing the poll, a certain time for appointing his presiding officers, and so on; so that if he received a writ on the 11th of March, he could postpone the election till so late a period as the 20th of April. In the hands of a political partisan such a power might be taken very unfair advantage of. Another amendment which he thought might be made on the Bill was to give candidates the power of withdrawing if

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they saw fit, after the nomination. The nomination paper might very often determine a man whether he should retire or not. Why should he be inflicted with all the expense of going to the poll when he was desirous of retiring? There was also too great discretion vested in the returning officer, which was more dangerous, he thought, than any he had referred to. Departing—and wisely departing, in his opinion—from the provisions of last year's Bill, the Bill provided that the electors who were required to sign the nomination paper were not to be ten qualified electors, as was required last year, but ten registered electors. But another great power came here into the hands of the returning officer, who was to have authority to decide whether the party was disqualified or not; not only whether the mark made on the polling papers was sufficient, whether it was such an identification that the person who had written it could be known, but whether the party was qualified or not. This gave the returning officer too great power over the votes in any election. A good many of the matters were matters of detail; but the opponents of the Bill had been challenged last year with having raised a great number of questions of detail without having mentioned them on the second reading. He thought it was possible to lick the Bill into shape; but if it was put on the Table in the state it was now in they were not to be taunted with criticizing the same too severely. He would endeavour, without offering any obstruction to the Bill, to get it put into a workable shape, and, if it was to become law, to make it a protection to the voter.

COLONEL SYKES said, although a uniform supporter of the Ballot from the time that he first had an opportunity of voting in its favour in the House, he had abstained from speaking on the subject last Session lest by so doing he might delay the passing of the measure by even five minutes. As far back as 1847, before the constituency of Aberdeen, he had advocated the Ballot in the interests of working men, with the view of protecting them against the coercion of their employers. In those days the working men were much more under the influence of their masters than they were now-a-days. The employer now was met by a very different

influence indeed. He maintained that there was now a greater necessity of protecting the working man against the trades union committees than there ever was of protecting him before. The influence of his employer was nothing to what that of the trades union committee would be. They knew how the men of the unions were governed and dictated to by a small committee of active persons, and it was because those persons had political ideas, political views, and political objects, and because the unionist members were subject to the dictation of those who ruled them, that he had been induced to pursue a course different from that which he had pursued last Session, and address the House. He wished those men to have entire liberty and a free conscience to resist the pressure which might be put on them to act contrary to their own feelings and their own views. They must look also to the fact that these committees, if actuated by political views, might be dictating to their fellow tradesmen in the union, and ultimately become a serious power in this country by controlling to a certain extent its representation. What, then, would become of our system of election? If, therefore, there were reasons why the working men should have had the Ballot for their protection in times past, the reasons were tenfold stronger now why they should be in possession of that protection. The hon. Member for South Northumberland (Mr. Liddell) had said that in America the Ballot was a mockery, that it professed one thing, and practically resulted in another. During the last Session of Parliament a gentleman travelling in Europe for his amusement was introduced to him, and he had the pleasure of providing a seat for him in the Speaker's Gallery, where he was present on two occasions when a debate was going on with regard to the Ballot, and he wrote to him (Colonel Sykes) a letter, from which he would extract a few words. The writer said—

"Few things had pleased him more on his journey than having had the opportunity of hearing discussions on the Ballot in the British House of Commons. The Ballot, he said, was not so bad in reality as it was represented to be, and as he heard many Members indicate. It was not probably so good as it might be with regard to America; but still he was sure the United States of America would rather give up their glorious stars, stripes, and eagle, than give up the ballot-boxes."

This was the expression of a cultivated gentleman, well acquainted with America, and he might venture to say that the views which he expressed were those of a great majority in the States. In America, he told him (Colonel Sykes) if a suspected man came up to the ballot-box he was asked his name and address, and was immediately marched off to his residence, and in that way it was found out whether he was the individual he professed to be. If that were done in America, he saw no difficulty in dealing with a person in England in the same way, and in that way personation would be put down. With regard to bribery, there was no question that it had existed and would exist; but no man of common prudence and common sense would buy a "pig in a poke," or give £20 for a vote without knowing which way it would be given, and therefore bribery might be checked. Under these circumstances, it was that he gave his opinions on the Ballot for the first time in that House. He should vote for the second reading with very great satisfaction, and he trusted that the Bill would be carried through, not only with the majority of last year, but with an increased majority.

Mr. FIELDEN said, that in the abolition of public nominations and public declarations of the poll we were declaring to the world that we were abolishing two of our most highly-prized advantages—the right of public meeting and the right of public discussion. With regard to the taking of votes in secret, the reasons given by those in favour of that process were, that it would stop or diminish bribery and intimidation. Bribery had a far deeper root than could be eradicated by any legislative enactment. If a rich man was corrupt enough to go to a poor man, and say—"If you will vote for me I will give you so much money," knowing that the poor man, from his very necessities, was open to the influence—so long as there were these two classes—the corrupt rich and the poor who were ready to receive the money the rich offered—so long, whatever the laws were, would these two parties come together. The only real check upon the unscrupulous use of wealth by the rich was publicity; but by the introduction of secret voting they shut the

door to all chance of discovery. He suggested that the hon. and gallant Gentleman who had just sat down should write to his American friend, and ask if bribery did not take place in the United States. The thing was done in this way. The election was paid for by results. A candidate would go to one of the many political clubs which existed in that country. The agreement generally was that if he became what is called a "ticket"—that was, that if he was accepted as the candidate of the club, he paid so much money down to the club, and on his election he paid another sum to the club. Now, if the aim of the Government was to do away with bribery by this Bill, they were closing the door to its detection. Then, as to intimidation, it was a thing of so subtle a nature that it could not be prevented by any enactment. It resulted from the power which one man exercised over another, either from his wealth, his social position, or from any other inference, and that power could be used in a thousand ways. The thing which alone could control the exercise of this power was publicity. But the question of secret voting shrank into utter insignificance when they came to consider the question of the abolition of public nominations, which were simply the greatest of our public meetings. We had in this country various kinds of public meetings so called; but they were really private meetings under a public name. The greatest public meeting of all was the nomination meeting for the election of Members of the House of Commons; and he asked, after they had abolished this meeting, whether they could defend other public meetings. Would anybody assert that because there were sometimes disturbances, therefore public meetings should be abolished? If not, the whole argument for abolishing public nominations must fall to the ground. Where they had free open discussion, and that which must be the necessary accompaniment of free discussion, free action, there must of necessity be the liability to stormy meetings and even attempts of breaches of the peace. This was incidental to freedom in the expression of opinion; but if, in consequence, the right was to be abolished, then the days of England's freedom would be gone. It was a grand sight to see candidates nominated in open day, in view

of the people from whom the trust was asked, and it was something that the poorest could go to the hustings and ask the candidate questions. He felt sure that the framers of the Bill could not have contemplated what its effect would be. The countries of the world had endeavoured to copy our institutions, and in more than anything else to obtain that freedom of public meeting and of the Press which openly canvassed the acts of those who governed us. The Bill proposed that instead of an open nomination, the proposer, the seconder, and the returning officer should retire into a private room. This was to be the climax of the policy of the party that had ever since 1832 professed themselves so anxious to give the people more power. The people now had the power to see their candidate in the light of day, to put questions to him, and to hold up their hands upon the question whether he was fit to represent them. Instead of this it was now proposed that they should have a hole-and-corner meeting at which the number of persons to be present were to be restricted by statute. If this had been done by the Emperor of Russia, what would the English papers have said? They would have denounced the suspension of the right of public meeting and the free expression of opinion. He would ask, what was there in this Bill to prevent a candidate in a small borough sending down some one to contest the borough against him. This man whom the electors would have chosen, might in the hole-and-corner meeting from which the public were excluded, retire in favour of the candidate who had bribed him to go down to oppose him, and thus cause a man to be elected whom the public outside totally disapproved of. The Bill, to his mind, was calculated to promote bribery and to give the intimidator freedom to intimidate; and this Bill announced to the world that a Liberal Ministry, at least, believed that England, in spite of her progress, prosperity, and boasted freedom, had become unfit to have entrusted to her citizens the free expression of opinion in public meeting.

Mr. CADOGAN, while desiring in his own name and that of his constituents to give a cordial support to this Bill, demurred most emphatically to the expression of opinion that the Ballot Bill was a traditional prejudice. He freely

admitted that any Bill for secret voting did clash with the abstract theory and sentiment of political freedom; but in the times in which they lived they had passed out of the realm of sentiment and theory, and the question presented itself as one of paramount importance and requirement, particularly on the part of the lower class of voters who had lately had the franchise given them. He held that secret voting fulfilled that requirement to the largest possible extent. His individual opinion was that the Bill would not have the slightest effect upon bribery. It must not be forgotten, however, that bribery was dying out fast through the influence of public opinion, and the relatively high tone of public opinion on the part of the lower orders which was brought to bear upon the upper classes. But where the Bill would tell most directly was as regarded coercion. It had come within his personal knowledge that the employers of labour brought a very galling and humiliating amount of coercion to bear upon the employed, and this Bill would strike at the root of that evil.

MR. HUTTON said, he should vote with Her Majesty's Government on this question. Personally he entertained a dislike to anything secret in the mode of conducting elections, and prior to the passing of the Reform Bill of 1867 he should have been prepared to oppose anything in the shape of secret voting. But since the passing of that measure large numbers of voters had come so entirely under the influence of masters, landlords, and others about them, that it was absolutely necessary to pass a Ballot Bill for their protection. He did not think that the Ballot would stop bribery, though it was possible that it might stop intimidation. What he should prefer was that the Ballot should be first applied to boroughs as an experiment, because in the counties the franchise was not so low as it was in boroughs. A proposition of this kind would also, if adopted, form something like a compromise with the other House of Parliament.

MR. BERESFORD HOPE said, he did not agree with the hon. Member for Cricklade (Mr. Cadogan) that the Ballot would put an end to coercion—the favourite electioneering weapon of the purse-proud, half-educated, tyrannical employer of labour who had once been at the bottom of the sawpit, and who had,

with an unchanged nature, grown to be top sawyer. The real restraining power upon their intimidation was public opinion. At present, the man who desired to coerce was in a measure restrained by the publicity of the poll-book, which gave the clue to his sinister machinations, but with the Ballot in force he could do his worst. At present, the great safeguard of political purity against coercion or intimidation was the patent discrepancy between the vote which the poll-book bore on the face of it and the views which the voter may have been known to proclaim in public; but destroy the identity of each vote, as you would do by the secret Ballot, and there would remain no means of bringing home coercion to those who practised it. The machinery by which coercion and intimidation would in future be worked would be that a system of espionage would be established, under which dependent voters would be brought to the poll in gangs, watched up to the booth and away from it again, and put under the strongest moral pressure to vote in the sense of their escorts. The House had just been congratulated on the absence of the metaphysical argument. He would equally congratulate it on the absence of the antipodean one, of which they had heard so much last year that they might almost have thought themselves convicts. Britannia possessed in Australia a thriving nursery of which any mother might be proud; but were they to be told that she was to draw her lessons of political experience from her suckling progeny? Were they to revolutionize this old and settled country by initiating a system founded on the practice of embryonic communities, the best of which had enjoyed a dozen successive Governments in ten years? He had great respect for that noble energy of the British character which had founded our magnificent settlements in the Southern seas; but the progress of those settlements should not be made apparently ridiculous—really ridiculous it could not be made—by adducing the crude experiments of their tentative apprenticeship of a few years in Cabinet and Parliament-making as evidence of what ought to rule the oldest, most respectable, and most powerful Legislative Assembly in the world. If they were to be thus invited to try the dangerous experiment of unlimited precedent, where

might they not be landed? In the coming debate upon the Business of the House, where, upon the same principle, might not the argument from unlimited precedent be stretched? For example, why might they not be told that they ought to follow the example of foreign Assemblies by electing their Speaker every Session, or by placing Members of the House in the places of those who now so ably occupied the seats at the Table. The Ballot might be a necessity in Australia, so might also be the payment of Members which had gone hand-in-hand with it; but were the Members of the time-honoured British House of Commons to be degraded by having money forced upon them for the services which they rendered there? It was said that the Ballot was necessary because the voter must be protected in every way in the fullest discharge of his duty; but might it not be urged with equal cogency that this end could not be fully attained while the field for the selection of his representatives was narrowed by being confined to men who could dispense with remuneration for their services? He was almost surprised at the neatness and logical consistency of his own argument, for they must all instinctively feel that it would be a dangerous and a levelling thing to substitute paid delegates for unpaid English gentlemen. Yet they would see that there was a great deal to be said for that if they accepted, as a point of departure for their argument, the modern theory of the unlimited rights of uneducated men. The British Empire had achieved its present high and glorious position without the aid of that which, with a fine Irish sense of humour, the Attorney General for Ireland had termed the free recording of votes, because it succeeded in suppressing any record of how the votes were given. He warned them of the danger attending such a change as that proposed. They should remember and take warning by the epitaph of a man who had studied the hygienes of the human body as hon. Gentlemen opposite had studied the hygienes of the body politic, and who at last died a martyr to science. The epitaph was—"I was well: I tried to be better: here I am." Publicity was the general characteristic of all our public life, and why were Parliamentary elections to be made an exception to so salutary a rule? There was

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no enthusiasm for the Ballot in the country; while the empty state of the Benches on the opposite side of the House, with their long rows of ghostly cards, at that moment reflected the apathy existing on the subject among the constituencies, and faithfully mirrored by the representatives. He was far from saying that considerable portions of the Liberal party might not have persuaded themselves that they believed in the Ballot, for self-persuasion was a marvellous and mysterious thing. There was so much simplicity in the human heart that whenever any man or body of men found out that it was their interest to do or think something not in itself palpably wrong or absolutely forbidden by the Ten Commandments, or the Sermon on the Mount, they always discovered a ready way to persuade themselves that they really believed in it, and, if they had very strong imagination, even to persuade themselves that they had never thought otherwise in all their lives. He therefore gave the Liberal party in that House full credit for the present belief that they were now sincere friends of the Ballot; but the elections within the last few months had not shown that the country had gone through a similar process of conversion. In East Surrey, Mr. Buxton, one of the most promising, able, and honest supporters of advanced Liberalism, whose loss he could not speak of without sincere regret, had been replaced by a professed opponent of the Ballot; while at Plymouth and Truro the same result had occurred. It was said, indeed, that in the West Riding of Yorkshire both candidates were in favour of the Ballot, yet the election there did not at all turn upon the Ballot; but the Conservative candidate was returned because he was a supporter of his right hon. Friend's (Mr. Forster's) principles in regard to education, against the candidate on whose Committee, as the opponent of his own measure, the right hon. Vice President had placed himself. Therefore the advocates of the Ballot could take no change out of that West Riding contest. Again, at Glasgow, which was not only the second city of Great Britain, next to London itself, but the head-quarters of such advanced Liberalism, that its minority Member was as decided liberal as his two Colleagues put together. At the very beginning of the Recess a splendid ovation

was given to the noble Earl (the Earl of Shaftesbury) who had, only a few days before, moved the rejection of the Ballot Bill in the other House of Parliament. Surely that event did not look very much as if the whole country felt keenly the loss of that Bill. The most important three-fourths of this year's measure were relegated into schedules. It was like a lady's letter, in which all that was interesting was reserved for the postscript. While opposed to that feminine form of legislation, he was, however, in favour of the portion of the Bill which provided for the abolition of public nominations, which were now only a "sham." Formerly the nomination was the election itself; now it was only the saturnalia of those whose mission was to make a row, and who did not themselves possess the franchise. Desiring to fight the Bill as a fair and not as a factious antagonist, he should support those of its provisions which would limit the licence of public nominations and make elections more orderly; but, for the rest, the experience of the Recess had only strengthened his sense of the futility of the arguments by which the measure was defended.

MR. DENISON said, that it had always been a received axiom in political history that when great changes were proposed to be made in the electoral law great evils must be in existence which those changes were intended to remedy. Every hon. Member who had spoken on the subject had taken pains to point out to the House that the Ballot would not cure any single evil with reference to elections that was now in existence except the very moderate amount of coercion that prevailed in some of our larger towns. But if the evils to be cured should be patent, so should the measures propounded be equal to the occasion. He hoped that the right hon. Gentleman who had charge of this Bill (Mr. W. E. Forster) would not think that he was casting any reflection upon him when he stated that he saw no probability of this measure being more calculated to remedy the evils attendant upon an election than was the one of last year. The House of Lords did a signal service to the country in the course they adopted last Session in stopping the course of a crude and imperfect measure, and in giving the country time to reflect and re-consider the course it

was asked to pursue. Nothing had occurred during the Recess to make the passing of this measure more urgent, desirable, or necessary than existed this time last year; but rather the isolated elections that had taken place during the Recess had supplied plenty of evidence to show that the House was asked to adopt a course not required for the protection of the electoral body. At the late election for the Northern Division of the West Riding both candidates were in favour of the Ballot; but he did not believe that it had the slightest influence upon the result of the election; and more than that, he was in a position to state positively that the successful candidate took pains to point out to the electors that it was quite possible that the Ballot might bring in its train greater evils than it was intended to cure, especially pointing out the enormous power proposed to be given to the returning officers to deal with the electoral return. Before this Bill was passed the right hon. Gentleman who had charge of it would doubtless find himself compelled to amend a great number of the provisions which, although placed in the schedule, really contained the very pith and marrow of the Bill. He would find that the substitute proposed for open nomination days would not bear criticism, and that it would not work in practice. He had himself dwelt in former days upon the evils which nomination days, as they were known in the North, brought in their train; but reflection had brought him to the conclusion that the system now proposed would be infinitely more pernicious in its effects than anything that had heretofore been experienced. It would be possible under the provisions of this Bill for ten electors, utterly unknown to the great body of voters, to put in nomination candidates without the electors having the slightest opportunity of putting a single question to them on the political subjects of the day. Could any system be more subversive or more utterly destructive of the power of the franchise? The crowd in front of the hustings on a nomination day was, no doubt, for the most part composed of non-electors; but in theory they were electors, and it was impossible for a candidate under the present system to seek the suffrages of the electoral body without giving every elector and non-elector an opportunity of putting

him through the sieve, and of finding out what he was worth both intellectually and politically. He was afraid that in their anxiety to throw a shield over electors in the exercise of the franchise, the Government had had in their minds the evils that had long since passed away rather than those that now existed. In asking Parliament to adopt this measure, the Government left out of sight some much greater evils than that of moderate and minimised coercion. In small boroughs the system of secret voting would only be a delusion and a snare, and would not put it in the power of the electors any more than they had the power at present to secure the man of their deliberate choice. If that were so did it not follow, as had been pointed out by the hon. Member for Berkshire (Mr. Walter), that before this change in the electoral system could be satisfactory to the country at large it must be supplemented by a great many other changes which would amount, to use his own words, to a re-opening of the Reform question, which, in his opinion, the country was not prepared for? The experience of all countries showed that there could be no perfect system of voting, and it was idle to tell the electors of England that by secret voting they would secure a purer and more perfect representation of their wishes. Before this Bill became law he hoped they would have an opportunity of reviewing their position and of collecting the experience of other countries possessing the Ballot, so that they might arrive at something more perfect, better digested, and more likely to produce the results which the Government anticipated from this measure. He knew it was vain to attempt to stop the second reading of the Bill, and therefore all their efforts must be directed to perfecting it as far as possible; but when he looked through the Bill he almost despaired of bringing order out of what seemed to him to be legislative chaos. He approached the question from no party view, because he could not conceive that either side of the House had anything to gain by having an imperfect electoral system; but holding the opinions he did, he could see no other course for him than to vote against the second reading, and afterwards to offer such criticisms upon the details of the Bill as might tend in any way to their improvement.

Mr. Denison

MR. A. EGERTON said, he had listened attentively to the observations of the hon. Member for Berkshire (Mr. Walter), but he had failed to trace the connecting link, which was evidently present to the mind of the hon. Gentleman, between the question of the Ballot and the whole subject of the reform of the electoral system of the country. The hon. Gentleman had argued that the Ballot would inevitably lead to a re-distribution of seats and to the reduction of the county franchise; but he (Mr. Egerton) could not see that that would follow. But the objections to the Ballot did not depend so much upon its ultimate results as on the question of principle. He had always opposed the Ballot on the question of principle, for he believed that the publicity of the vote formed the whole groundwork for the exercise of the franchise; and the franchise itself, whether it was regarded as a trust or as a privilege, was so important a matter that it was only right that it should be exposed to all the checks which were placed upon it. He believed that if the Ballot became law we should have eventually to retrace our footsteps and reverse our decision by repealing the Act.

MR. STAVELEY HILL said, though he supported the Bill brought forward in 1870 by the noble Lord the present Chief Secretary for Ireland (the Marquess of Hartington), he could not support the Bill of last year or the present measure. Speaking from long professional experience with regard to Election Petitions, and as a Royal Commissioner in the case of a delinquent borough, he had never feared the Ballot, and he had for many years thought it might be properly adopted. The three evils to be dealt with were undue influence, personation, and corrupt practices. As to personation, he was surprised to hear the Attorney General state the other evening that he proposed for the first time to make it a misdemeanour. It had always been a misdemeanour, and under the 6th Victoria it was punishable with two years' hard labour. As to undue influence, the evidence taken by the Select Committee a year or two ago led him, and, he believed, some of his Colleagues, to think that there was a certain case made out in favour of preventing it by the Ballot, especially undue influence exercised by customers on

small tradesmen; for the other forms of it appeared hardly worthy of consideration. Bribery, however, was by far the most serious election offence, and it would not be diminished by this Bill. It was only checked at present by the fear of detection and Petition. Now, in the case of Petitions, the persons who gave the information on which they were based, frequently, on being placed in the witness-box, recanted their original statements, either because they had come to their senses and resolved to tell the truth, or because they had been tampered with. Such persons could not be questioned as to their original statement, unless the Judge was satisfied that they were hostile witnesses, which was now done by its being shown that they voted for the sitting Member. The 12th clause of this Bill, however, provided that no witness should be required to state for whom he voted, so that a person could not be contradicted by his previous statement, and scrutinies and inquiries would be practically put an end to. He opposed the Bill on this ground, and also because it would impair the effect of that public opinion under which bribery was fast diminishing and almost passing away.

SIR MICHAEL HICKS-BEACH said, he thought the Bill had been much more carefully drawn than that which was discussed last year; but the really important part of the measure was contained in its schedules. In a Ballot Bill the most important thing was to settle the best regulations upon which the Ballot was to proceed; and as nearly every regulation was contained in the schedules, these regulations could not be so well discussed in Committee as they could have been if contained in the clauses. In the speech of the Attorney General for Ireland a great deal was said in praise of the Ballot in the abstract, but very little indeed of the particular mode in which the Government proposed to carry it out. He did not intend to trouble the House with any lengthened repetition of arguments against the principle of the Ballot; though he still believed that secrecy in the performance of a public duty was objectionable, and that in any case, this Bill could not cure the evils against which it was directed. In regard to bribery, it was admitted that secret voting could not put an end to this evil; but there were still some who

failed to see how easy it would be to pay by results. He was disposed to concur with the Attorney General for Ireland on this one point—that we must not look to the Ballot to put down bribery, but to the growing force of public opinion. All the Ballot would do would be to make bribery safer, and, very possibly, to extend it from the electors to the returning officers. With regard to intimidation, nothing in the present day was so much the subject of exaggeration as intimidation. He was convinced that labourers were rather ruling their employers now than employers ruling their labourers. Tenants were often far more powerful than landlords, and he did not believe there was a man in the United Kingdom who would be so foolish as to evict a tenant for having given a vote against him at an election. The Ballot would be no protection whatever to individual members of the International Society, or a trades union, or the Fenian Society, against their fellow members; for no men were less capable than the working classes of that constant and vigilant reserve which would be necessary to conceal their real opinions. The Attorney General for Ireland referred to the terrorism exercised at the Meath election; but he seemed to forget that the Ballot would not prevent voters from being kept away from the poll. Suppose open violence was out of the question, threatening letters and other machinery would be used to keep away those voters who were suspected of wishing to vote against the popular candidate. But it was now hardly pretended that the Ballot could, in practice, be really secret. He thought it was pretty generally admitted that the secrecy which the Ballot would bring about would be, at the most, optional, and would not be a secrecy which the vast majority of the electors of this country would avail themselves of. They would follow the universal practice of the English race, whether in our colonies or in the United States, and would declare their opinions as openly as at present. It appeared to him to be an unheard-of proposal that for the sake of enabling a miserable minority of cowardly electors to live a life of hypocrisy the vast majority of Englishmen should be deprived of their privilege of being able to satisfy themselves that their votes, when given, had been actually reckoned

in favour of the candidate of their choice, and that the real power of deciding elections should be taken from them and placed in the hands of the returning officer. There was no end to the evils which would be encouraged by this measure as it now stood, and perhaps the chief of these evils was personation. He was thankful for the admission of the Attorney General that personation would become a far more important matter under secret voting than under the present open system, and that it would need far more stringent enactments than at present to prevent that evil. It was very much to be regretted that in introducing this disease into the country the Government had not also at the same time introduced their remedy. He should have liked the present Bill and the Corrupt Practices Bill to be considered by the same Committee. It would not be in order for him now to fully enter into the remedies which the Government proposed for personation; but he might say this—that the provisions in the Corrupt Practices Bill would inflict serious hardships upon the voter who was personated. He would be the only person in the constituency who would be unable to avail himself of that secrecy which would be extended to every other voter. In a large constituency nothing would be easier than for any one who wished to coerce a voter, or to neutralize his vote, than to procure that the voter should be personated. Upon a scrutiny, a man thus personated would not be able to vote unless he voted openly. Then how futile would be their attempts to check this acknowledged danger. Though all who had really considered the matter agreed in the vast importance of a power of scrutiny, the Government had been unable to adopt any plan to identify the voter with the ballot paper. Yet, as they seemed to be more aware of the serious danger of personation than they were last Session, and had now learnt to look this evil fully in the face, he sincerely trusted that they might still see their way to adopt the form of scrutiny that was recommended by the Select Committee, and which they themselves proposed in their Bill two Sessions ago. But the present measure was not simply a Ballot Bill, because it contained very important provisions as to the increase of polling places in counties. He thanked the Government

Sir Michael Hicks-Beach

for these provisions; but with regard to England he did not think the provisions were entirely satisfactory. A voter might still have to go four miles to a polling place, and besides that, there was to be no polling place unless there were 100 voters to poll at it; and, therefore, in his opinion, the provisions did not fully meet the evils that existed. If a polling place was beyond an easy walk from the voter, he was not likely to go to it unless he were conveyed, and the expense of conveyance, now so great in county elections, would not in that case be materially reduced. Besides, he understood that the hon. and learned Member for Taunton (Mr. James) was about to move that the conveyance of voters to poll should be made illegal in counties as well as in boroughs; and if that Motion were carried, without a larger increase of polling places than that proposed by the Bill, many poor county voters would be practically disfranchised. With regard to Ireland, the Bill of last year made it imperative on the magistrates to establish polling places in every petty sessional division, and as many more as might be requisite, subject to the approval of the Lord Lieutenant and Privy Council. But by this Bill it would be optional for the Lord Lieutenant to order the magistrates to hold quarter sessions at which these alterations were to be made. But those who remembered how the proposal of a former Government to increase the polling places in Ireland was defeated, would not be inclined to leave to the Lord Lieutenant, who was only the representative of a party, the initiative in the matter. He must express his great surprise at the reluctance of the Government to extend the increase of polling places to Scotland. Last Session a proposal to increase the number of polling places in Scotland was carried against the Government, without a division; and yet in the present Bill the proposal so carried last year was not inserted. This was so, notwithstanding that the right hon. Gentleman in charge of the Bill (Mr. W. E. Forster) said that he should have the greatest consideration for the decisions of the House last year. But after all, these were minor points. This was really a Ballot Bill. It was pressed upon the Government, and by them upon the House, because the question had become a party shibboleth; but was

there really any feeling in the country upon the subject? There had been times that evening when the House might with the greatest facility have been counted out, though it was upon the first night of the discussion of a measure which the Government affected to consider as one of the greatest importance. Nothing could exceed the indifference of the country upon this matter. Did anybody really regret the rejection of last year's Bill by the House of Lords? Then, again, was anybody satisfied with this Bill? They on that side were not. And could the old Whigs like a measure which they had opposed for so many years; or could hon. Gentlemen below the gangway be satisfied with it as it stood? Did they really want to pass a measure which, while nullifying, as far as it could, the influence of localized property and ancestral connection, did nothing to facilitate the entrance into Parliament of men with moderate means? With bribery undiscoverable, with irresponsible returning officers, the way to that House would be easy to one class—that of the newly-rich. He was not prepared to change that Assembly, representing every variety of classes and interests, into a mere Plutocracy, who would be much more disposed to consult their own private ends than the public good. He was not prepared to legalize hypocrisy, to facilitate fraud, to entrust the real power of returning Members to that House to a class of corruptible officials; and therefore he should continue to give his most strenuous opposition to the Bill.

MR. STACPOOLE supported the second reading, on the ground that the Bill, if passed, would enable the majority of the electors to exercise the franchise with freedom, uninfluenced by the terrorism of mobs, and the elections to be conducted quietly and in order. He believed that the Bill would be ultimately one of as Conservative as of a Liberal character, and that the landed interest instead of losing by it would be considerable gainers.

MR. D. DALRYMPLE admitted that, with the exception of one or two constituencies, there was last year no great agitation on the subject of the Bill, nor was any to be seen at present; but the reason was because the country regarded the passing of the measure as a foregone conclusion. He was in America during

be arrested and imprisoned without warrant, and the Ranger's servants, appointed by him, were the persons who were to carry the code into execution. Would it not be a shorter and simpler method to suspend the Habeas Corpus Act in London at once, and treat the parties as though they were in a proclaimed district in Ireland? The people were now called "those roughs;" not very long ago they were spoken of as "flesh and blood," but that was when we were out of office. [Mr. GLASTONE: No, in office.] Ah, well, we were just going out of office then. But now the "flesh and blood" were "roughs," and they were to be taken into custody without warrant, and all because we were so afraid of the roughs. That, he must say, seemed to him something like political ingratitude. Whence had arisen this terror of the "roughs," for whom this Algerine piece of legislation was needed? He had been going into the Parks for years, and he had never seen those roughs of which the Government was so much afraid. He could only come to the conclusion that this Bill was the result of a great compact for political life assurance. Lord Derby had recently said in Lancashire that the Liberals were in office, but that it was the Conservatives who were in power, and the noble Lord made this offer—that if the Liberal Government would consent to carry out a Conservative policy, they should not be disturbed in the situation they occupied—an offer that was most generous, handsome, and complimentary. That was the history, and only history, of such a Bill as this. They were asked to go into Committee upon the Bill; and, of course, they would go into Committee. That was a foregone conclusion. What could they do if Gentlemen opposite took the matter up and supported the Treasury Bench? There was not an Amendment proposed on this Bill, though it contained provisions that no Tory Government in the world would ever have dared to propose to a Liberal Opposition? but a Liberal Administration, supported by a Conservative Opposition, had brought forward a measure which violated every principle of the liberty of the subject for which the Liberal party had for hundreds of years contended. Well, it was true the Liberals were in office; but the Conservatives were in power, and this Bill proved

it. The Liberal party would cease to be a majority of that House: he did not know whether they had not ceased to be a majority in the country. That remained to be seen. The Bill had been forced into Committee before any Gentleman had had time to put down any Amendments upon it, and he could only come to the conclusion that a combination existed to prevent discussion of its provisions. If the Government were determined to insist upon that course, and force the Bill through, they must leave the judgment to the country.

MR. AYRTON said, he did not know what reply to make to the charge of disrespect with which the hon. and learned Gentleman imagined he had been treated, as the answer he had given to the Question which had been put to him was, that he would proceed with the Bill if it suited the convenience of the House. He wished to know how his hon. and learned Friend had been treated with disrespect in such an answer as that. He could only be treated with disrespect in the event of any attempt being made to set up his wish in opposition to the general convenience of the House. [Mr. VERNON HARCOURT said, he had not said he had been treated with disrespect.] He (Mr. Ayrton) might not have caught the exact word; but he had expressed the substance of the hon. and learned Gentleman's remark. He could not conceive a more civil and conciliatory answer than he had given to the hon. and learned Gentleman, nor could he discover one new observation which he had made to his speech of the other evening, except that he had called this an Algerine Bill. He was not aware what the principles of legislation were which would make it an Algerine Bill; but looking at it as an English Bill and a Bill of the House of Commons, it was in accordance with the legislation carried on in this House from time immemorial. Every Session for years past there had been Bills introduced in the same form, and it had never been discovered that they had been pregnant with terrible consequences to the British Constitution. The Metropolitan Police Act contained provisions under which powers were given to make rules for regulating the traffic in the public streets; and although in theory and abstractedly those rules might be open to criticism, yet in practice they worked very beneficially for the public convenience.

Mr. Vernon Harcourt

nience, and very harmlessly as regarded the liberty of the subject. Again, the hon. and learned Gentleman must be aware that according to the common course of law, a corporate body which had jurisdiction had powers to make by-laws to preserve good order in that place. Then there was the General Parks Act, giving to anybody wishing to set up a public park the power of making by-laws for the purpose of regulating the property under their control. There were similar provisions in Railway Acts, Harbour Acts, and Municipal Acts. All that the Government asked for by this Bill was such a power to regulate the Parks as was ordinarily given to municipal bodies. It was open to the hon. and learned Member to propose Amendments in Committee; but he had refused to avail himself of that power, and had preferred to move the rejection of the Bill. When the Bill was before the Select Committee last year it had received the approval of four of the metropolitan Members, and in its present form it was a mere reprint of the measure which obtained the unanimous approval of that Committee. If any hon. Member objected to any particular clause in the Bill he could move its rejection or its Amendment in Committee.

MR. RYLANDS suggested that the Amendment should be withdrawn, on the understanding that reasonable time were given to Members to give Notice of the Amendments they intended to propose.

MR. GLADSTONE said, he thought the suggestion of the hon. Member a fair and proper one. He did not see that the Bill required what might be called a heroic style, as it was of a most prosaic character. The hon. and learned Member for Oxford (Mr. V. Harcourt) must feel that it was necessary there should be some power to make regulations for the Parks analogous to those which were given to municipal corporations, to railway companies, and to the police. It would, of course, be the duty of the Government to meet the views of the hon. and learned Member as far as possible, and therefore he would consent to the House going into Committee upon the Bill *pro forma*, with a view to time being given for giving Notice of such Amendments as hon. Members might desire to move.

MR. ALDERMAN LAWRENCE said, he thought that there were one or two

points which the Chief Commissioner of Works might attend to with advantage.

Motion, by leave, withdrawn.

Main Question put, and agreed to.

Bill considered in Committee; Committee report Progress, to sit again upon Thursday next.

PACIFIC ISLANDERS PROTECTION BILL. LEAVE. FIRST READING.

MR. KNATCHBULL-HUGESSEN, in moving for leave to bring in a Bill for the prevention and punishment of Criminal Outrages upon Natives of the Islands of the Pacific Ocean, said, the atrocities of the trade to which this measure had reference, and which had excited the interest of this country, had culminated in the murder of Bishop Patteson, whose loss was a subject of the most sincere regret. Those who, like himself, remembered that Prelate in old Eton days, would perhaps join him in the wish that they could each look back upon so self-denying, God-fearing, man-helping a life as that which had just been sacrificed in so good a cause. The Bishop had devoted his time, his labour, and his fortune, to the good work, and now at last had lost his life in the performance of his duty. The death of that good man, however, would not be without effect if it should lead to an amelioration of the condition of those persons to whom the present Bill referred. There was a large party of honourable and enthusiastic gentlemen in this country who were anxious to repress the trade which had led to these nefarious practices; but, on the other hand, it was impossible to deny that the importation of South Sea Islanders into our Australasian colonies would be most advantageous if properly managed. Bishop Patteson himself wrote—"I advocate the regulation and not the suppression of this traffic," and if it was attempted to put an end to the traffic it would be necessary to consult foreign Powers, which would be attended with considerable delay. What the Government proposed was to render the offence of kidnapping natives felony, and to give to the different Australasian Courts power to try these offences. The Bill would also provide for the attendance of native witnesses, and would facilitate the taking of evidence. This was not

the only measure which the Government had taken for the purpose of preventing that which was so justly the subject of complaint. The First Lord of the Admiralty had strengthened the Australian squadron, and orders had been given to take further steps with the view of putting down, if possible, the atrocities of the trade. It was not to be tolerated that the British name should be dishonoured by such practices. England, which had incurred so much trouble and cost in putting down the Slave Trade, would not permit under any guise a slave trade to be carried on wherever its power was sufficient to interfere. The hon. Gentleman concluded by moving for leave to bring in the Bill.

Motion agreed to.

Bill for the prevention and punishment of Criminal Outrages upon Natives of the Islands in the Pacific Ocean, *ordered* to be brought in by Mr. KNATCHBULL-HUGESSEN and Mr. WILLIAM EDWARD FORSTER.

Bill *presented*, and read the first time. [Bill 45.]

CRIMINAL TRIALS (IRELAND) BILL.

On Motion of Sir COLMAN O'LOGHLEN, Bill to provide that Jurors in Criminal Trials in Ireland shall henceforth be chosen as in Civil Trials by ballot, and to abolish the power of the Crown in such Trials, to set aside Jurors without cause, *ordered* to be brought in by Sir COLMAN O'LOGHLEN, Sir JOHN GRAY, Mr. PIM, and Mr. SYNAN.

Bill *presented*, and read the first time. [Bill 47.]

WILDFOWL PROTECTION BILL.

On Motion of Mr. ANDREW JOHNSTON, Bill for the Protection of Wildfowl during the Breeding Season, *ordered* to be brought in by Mr. ANDREW JOHNSTON, Colonel TOMLINE, and Mr. BROWN.

Bill *presented*, and read the first time. [Bill 48.]

EAST INDIA (FINANCE).

Select Committee appointed, "to inquire into the Finance and Financial Administration of India."—*Mr. Ayton.*

And, on February 16, Committee nominated as follows:—Mr. AYTON, Mr. STEPHEN CAVE, Mr. CRAWFORD, Mr. BARING, Mr. FAWCETT, Mr. BROCKETT DENISON, Sir CHARLES WINGFIELD, Mr. EASTWICK, Mr. DICKINSON, Mr. BOURKE, Mr. CANDISH, Sir JAMES ELPHINSTOKE, Mr. LITTLETON, Mr. BIBLEY, Sir DAVID WEDDERBURN, Mr. BEACH, Sir THOMAS BAZLEY, Mr. HERMON, Mr. M'CLURE, Mr. CROSS, Mr. JOHN BENJAMIN SMITH, Mr. GRANT DUFF, Sir WILFRID LAWSON, Mr. ROBERT FOWLER, Mr. HAVILAND BURKE, Mr. CHARLES DALRYMPLE, and Sir STAFFORD NORTHCOKE:—Power to send for persons, papers, and records; Seven to be the quorum.

House adjourned at Twelve o'clock.

Mr. Knatchbull-Hugessen

HOUSE OF LORDS,

Friday, 16th February, 1872.

MINUTES.]—PUBLIC BILL—Committee—Report
—Burial Grounds* (6).

VACCINATION LAWS.—QUESTION.

LORD BUCKHURST asked Her Majesty's Government, If the facts are true as reported in the public Press, that in a case of vaccination lately brought before the magistrates by the vaccination officer of Islington, the magistrates threw every obstacle in the way of the due carrying out of the Vaccination Laws?

THE EARL OF MORLEY said, he had made inquiries in the proper quarters and found that no complaint had been made to the Local Government Board, or the Government, on the matter to which the noble Lord's Question referred.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL — APPOINTMENT OF SIR ROBERT COLLIER—THE DIVISION.

THE DUKE OF RICHMOND stated that, in reporting the division of last night a mistake had been made as to the numbers. The Not-Contents were 88, and not 89; so that the majority for the Not-Contents was 1 instead of 2.

THE MARQUESS OF SALISBURY said, that the correction was material. It would be interesting to each one of the noble Lords who had been brought from Italy and other places to vote for the Government to know that the majority on the side of Government was just 1.

THE EARL OF KIMBERLEY said, he did not know why it should be assumed that the error lay with the Tellers—it was just as likely that it occurred with the Division clerks. In that case the numbers would remain as they were reported.

EARL GRANVILLE asked who those noble Lords who had been brought from Italy were? He would be glad to see them.

House adjourned at half-past Five o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS.

Friday, 16th February, 1872.

MINUTES.]—SELECT COMMITTEE—Trade Partnerships, appointed; East India (Finance), nominated.

PUBLIC BILLS—Ordered—First Reading—Public Health [49]; Real Estate (Titles)* [50]; Public Health and Local Government* [49]; Middlesex Registration of Deeds* [52]; Married Women's Property Act (1870) Amendment* [33]; Bakehouses* [54]; Poor Law Loans* [51].

Second Reading—Reformatory and Industrial Schools [25]; Public Prosecutors [28].

Withdrawn—Game and Trespass* [12].

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL—APPOINTMENT OF SIR ROBERT COLLIER.—QUESTION.

LORD JOHN MANNERS asked the First Lord of the Treasury, Whether the letter of Mr. Justice Willes to the Lord Chancellor, on the subject of Sir Robert Collier's appointment, was written in reply to any communication from the Lord Chancellor; and, if so, whether he will acquaint the House with the nature of such communication?

MR. GLADSTONE: Since the noble Lord the Member for North Leicestershire gave Notice of his Question, yesterday, I have made inquiry, with the view of accuracy, and I find the exact state of things to be this—Mr. Justice Willes, as I am informed, spontaneously wrote a letter to Sir Robert Collier, expressing his opinion upon the whole matter. That letter was shown to the Lord Chancellor, who inquired how far it might be made use of. Mr. Justice Willes was of opinion that being written in the form of a private letter, it was not convenient for that purpose; but he put the substance of it into a public letter which was given to the Lord Chancellor for publication. I enter into this explanation, because the noble Lord will see that I should not have been accurate if I had confined myself to a simple affirmative answer.

METROPOLIS—WATER SUPPLY.

QUESTION.

MR. STAPLETON asked the Secretary of State for the Home Department, Whether it is intended to take any steps, under the Metropolis Water Acts, 1852-1872, in consequence of the pol-

luted state of the Water recently supplied by some of the Water Companies?

MR. CHICHESTER FORTESCUE, in reply, stated that the examiner appointed under the Act had been instructed to examine, at least once a month, the reservoirs and filtering beds of the water companies, and to report as to the state of the filtration before distribution commenced, and to make a special report whenever there was a necessity for one. In the case referred to by the hon. Member, the examiner had made a special report, which had only been received that day, so that he (Mr. C. Fortescue) had not had time to read it. After considering it, he should be able to decide whether there ought to be further inquiry into the state of the water supply of the companies in question. He might add that the examiner reported that the state of the water was much better at this moment than it had been for some time previously; and that the impurity of the water, such as it was in January, appeared to have been caused partly from the floods of that month and partly by the fact that the companies concerned were carrying on very important works of alteration and improvement, which rendered it difficult for them to carry out for the time the important but slow process of filtration. If the hon. Member liked to move for the special Report, he should be glad to produce it.

CRIMINAL LAW—COST OF PROSECUTIONS.—QUESTIONS.

MR. PELL asked the hon. Member for St. Ives (Mr. Magniac), Whether he is aware that a Motion—which has been deferred from unavoidable circumstances—stands on the Notice Paper in the name of the hon. Member for South Devon (Sir Massey Lopes), with reference to the subject of the Question about to be put by the hon. Member for St. Ives to the Secretary of the Treasury, and whether he is aware that the same hon. Member had obtained Returns as to these disallowances, both for counties and boroughs?

MR. MAGNIAC said, that, having regard to the intentions of the hon. Baronet the Member for South Devon (Sir Massey Lopes), he would refrain from making any Motion, even if the Answer of the Secretary to the Treasury

made it necessary. He asked, Whether it is the intention of the Lords of the Treasury to abandon the present system of disallowing portions of the costs of Criminal Prosecutions, which has been described by the Lord Chief Justice in a recent judgment as having no legal authority?

MR. BAXTER: The payments made as costs of criminal prosecutions may be classed under four heads—1, Expenses of prosecutors and witnesses; 2, Court fees to clerks of the peace at sessions; 3, fees of justices' clerks; 4, fees of counsel and attorney. Under the first three heads the disallowances of the Treasury chiefly consist in bringing to scale, and correcting mistakes made by the local officers; and it never could have been intended that the Treasury should not have the power of rectifying errors of this kind. Under the fourth head, however, a larger question arises, and it is now under consideration in what manner the Treasury can best reconcile the duty of seeing that irregular charges are not paid out of the grant, conflicting with the interests of the rate-payers in counties and burghs.

ARMY—HOUSEHOLD BRIGADE.

QUESTION.

VISCOUNT MAHON asked the Secretary of State for War, Whether a Warrant is shortly to be issued with regard to Officers' Promotion in the Household Brigade; and, if so, when it will be promulgated?

MR. CARDWELL replied that a Warrant was in preparation on the subject, and he would be able to state the intention of the Government with regard to it on Thursday, when he should ask the House to go into Committee on the Army Estimates.

UNIVERSITY OF OXFORD—REGIUS PROFESSOR OF DIVINITY AND THE LIVING OF SHOREHAM, &c.—QUESTION.

MR. STAVELEY HILL asked the First Lord of the Treasury, Whether, after having carried an Act of Parliament by which the living of Ewelme had been severed from the Regius Professorship of Divinity, the present Regius Professor has been allowed to hold the living of Shoreham, in Sussex, together with the canonry of Christ Church?

Mr. Magniac

MR. GLADSTONE: The present Regius Professor of Divinity at Oxford holds the living of Shoreham together with the canonry of Christ Church. With that, however, we have nothing to do. The hon. and learned Gentleman is also no doubt aware that the law permits a canon to hold a living, and that it is not in our power to interfere with any arrangements of that kind. Perhaps a duty did accrue to us in this instance, out of a proposal to sever the living of Ewelme from the Regius Professorship. That is to say, if the living now held by the Regius Professor had been a living more onerous than the living of Ewelme, I think it would have been my duty to inquire before severing the living of Ewelme, whether it was the intention of the Regius Professor to give up the present living, in the event of the other being so severed. But inasmuch as I knew the living of Shoreham was both of considerably less emolument, and of one-half the population of the living of Ewelme, I did not consider it to be my duty to enter into any investigation of that kind.

ARMY—THE LATE MILITARY SECRETARY.—QUESTION.

MR. ANDERSON asked the Chancellor of the Exchequer, Whether it be the fact, as stated in a Military newspaper, that an application had been made (during the Recess) to the Treasury for a pension to General Forster, the late Military Secretary; if so, whether it was stated in that application that the officer in question had held for 12 years, at a salary of £2,240, an office which Government had decided ought to be held for five years only at a salary of £1,500, and that he was in receipt of £1,000 a-year from the Colonely of the 81st Regiment, which he had held for nine years during his tenancy of the higher office; and what decision was come to by the Treasury?

THE CHANCELLOR OF THE EXCHEQUER: An application was made last year to the Treasury containing the statement alluded to. The Treasury took the matter into consideration, and came to the conclusion that General Forster did not come within the meaning of the Superannuation Act, and that, therefore, no pension should be granted to him.

TREATY OF WASHINGTON—THE
AMERICAN CASE.—QUESTION.

MR. DISRAELI: With reference to our relations with the United States, I wish to inquire of the right hon. Gentleman at the head of Her Majesty's Government, Whether he has received any information which will enable him to inform the House when the Answer may probably be received as to the friendly communication addressed to the American Government?

MR. GLADSTONE: I have no official information upon that subject; but I learnt from the Foreign Secretary two minutes ago, that in conversation, the American Minister had told him that he did not think the answer would arrive until after the 1st of March.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed,
"That Mr. Speaker do now leave the Chair."

CHINESE COOLIE TRAFFIC.

MOTION FOR AN ADDRESS.

MR. R. N. FOWLER, in rising to call attention to the Chinese Coolie Traffic, and to move an Address for Papers, said, he must ask the indulgence of the House for what must be a painful, and he feared would be a long statement. Systematic plans prevailed in the neighbourhood of Hong Kong for kidnapping Chinese, which for cruelty rivalled the practice on the African Coast, or even the Middle Passage, against which Wilberforce and Clarkson raised their voices. In support of this statement he referred to the destruction of the *Dolores Ugarte*, a vessel which sailed from the Portuguese Settlement of Macao for Peru in May of last year. There were 656 coolies on board, and a disturbance of some kind having taken place the hatchways were fastened down. Owing to an insufficiently explained cause a fire broke out in the hold; and, as the flames could not be extinguished, the captain decided to abandon the ship. The 600 Chinese below were left to their fate; while the crew, and a few of the coolies who were on deck, escaped in the boats, which were only capable of holding 40 men. During a previous voyage of the same vessel 18 coolies jumped overboard in

consequence of ill-treatment; 25 died from want; and 43 were in such a hopeless state of disease that they were landed at Honolulu. The statements of the few who managed to escape from the burning wreck of the *Dolores Ugarte* showed that they had been induced by acquaintances, on pretence of work, to make the journey to Macao; but that, instead of having their expectations realized, they were cruelly treated and threatened by emigration agents; that they signed papers which were neither explained nor read to them, and which, if even they were read to them, they could not understand, owing to their ignorance of the language, and were afterwards carried off on board ship against their will. One of these unfortunate men, Low Asow by name, deposed as follows:—

"I am 36 years old; I am a native of Sun-on. A friend of mine named Awong said he could get me work in Hong Kong. I went with him, but he took me to Macao. At first I could not tell whether that was Macao or Hong Kong, but he told me it was Hong Kong. I have never been out of my village. He took me to a barracoon. Awong told me that the regulation of the place was I must be registered at an office before I could be engaged as servant, and that I must say 'Yes' to every question. I signed a contract; it was not read to me, and I did not know what it contained. I was not told where I was to go to either at the barracoon or Emigration Office, and I was under the impression that I was to be a servant in Macao. I was sent on board a Coolie ship under an armed escort. The ship sailed on the 15th, and on the 17th she took fire. I was picked up by a fishing junk. I am a widower, and have no children. I have no father or mother. My father died last year. I was a farmer in Sun-on, doing job work only."

Another coolie, named Lai Awom, who had been induced to visit Macao by the promise that employment should be found him in a mill-maker's shop, told a similar story. He said—

"On arrival at Macao, two foreigners came to our boat in a sampan, and took us away. I was taken to the Man Illop barracoon. At first I did not know it was a barracoon; I thought it was Ayeo's shop. Therefore I did not question him why he took me there. I arrived at Macao on the 10th day of the 2nd moon. One day I wanted to go out, but a foreigner keeping guard at the door refused me egress. I then concluded the house was a barracoon. I saw Ayeo in the barracoon, and I asked him why he took me to such a place. He replied that he was going to be an 'emigrant' also, and that I need not fear his selling me. He told me that I was only to answer to the call of a name, and then I would get eight dollars for doing so; that he would just row me off to a ship and take me back ashore again. But in order to get the eight dollars, I must state before an officer

that I was willing to go. If I said I would not go, I would be put under chains and placed in a dungeon. Ayeo assured me that he would also go before the officer and state the same things, and then get his eight dollars. On the 8th day of the 3rd moon I was taken before the emigration officer. I was asked if I knew where I was to go. I replied that I did not. I was then informed that I was to go to a foreign country to get four dollars a month. The name of the country was not mentioned. My name in the barracoon was Lai Asam. I answered to that name at the Emigration Office. I put my finger-mark to a document: it was not read to me. I marked two places. My finger was held by a Chinaman in that office, and he guided my finger to impress the marks on the places. I was paid eight dollars after marking that paper. I slept two nights in the Emigration Office. On the third day—that was, the 8th, I was escorted on board a ship. Ayeo did not row me back as he promised, neither did he go before the emigration officer as he assured me. When I got on board I knew then that I was 'sold,' and I cried the whole of the first night I was on board."

He narrated other cases to show that frauds of such a nature were practised as to identify the Macao Coolie traffic with the slave trade. He was glad to say that Chief Justice Smale, whose name he could not mention without paying his humble tribute to one who was an honour to his country and the service of the Crown, took a similar view, for when a kidnapped Chinaman who had headed a mutiny against the captain of a French Coolie ship, in which the latter was killed, was brought before him on a charge of murder, that honourable and high-minded Judge refused to allow the man to be tried, but ordered him to be liberated, on the ground that he had only obeyed both the natural and the written law, which placed kidnappers beyond the pale of protection. The miseries of the Coolie labourers on arriving at Peru were revolting beyond description. Their condition and treatment at the Chincha Islands had been vividly pourtrayed in a letter which had been published in one of the public journals. The writer said—

"These islands, covered to a great depth with gunno, are perfectly barren, from the excessive quantity becoming destructive of vegetation; and those employed in transporting the manure to the leading places are Chinese, whilst negroes and the lowest of the mixed races of Callao and Lima are employed in stowing the cargoes. The Chinese, who, under specious promises, are inveigled to the islands for a term of three years, seldom live to complete the term of their slavery, for the nauseous dust and the overpowering effluvia of ammonia in which they work are of themselves rapidly destructive of life. Sometimes they embark in China, and often at Melbourne, where

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they find nothing to do; and it is well known that shippers receive so much per head for every Chinese they land at the Chinchas. There they are detained by an armed force, huddled in the most miserable manner, fed only after performing a certain amount of labour, and subject to a treatment, of which some idea may be gathered from the following facts:—Whilst we were at the islands, a poor Chinaman threw himself off the rocks, and was dashed to pieces, rather than submit to the tortures that awaited him for having accidentally broken some tackle he was using in his course of labour; and we can form a good notion of the severity of the punishment they are subjected to by the horrible howling constantly heard on the islands. The following are some that are constantly inflicted on the labourers, by order of the commandant, for the most trivial offences, under the eyes of Englishmen and other reputed civilized people; and certainly nothing more devilish, nothing more ingenious, could be invented—namely, hanging in ropes and chains round the waist, and in other ways, from sunrise to sunset, without food during that period, one, two, or more days, in proportion to the magnitude of the offence; and lashing to half-tide buoys, subject to exposure to the water in addition to heat and cold. These punishments we saw inflicted in several instances: and it was reported that one man, whom we saw suspended daily for fully a week, had already suffered a fortnight previously to our arrival. We were also shown a refined instrument of torture, combining the fabled labour of Damades, with the penalty of death staring the culprit in the face if he failed from exhaustion, or otherwise, in performing the task allotted to him: this was a lighter, with a large hole in the bottom, in which the offender was fastened, with a bucket to save his life by incessant baling. We were also credibly informed that one of the punishments inflicted on the Chinese on the islands is that of placing them on a small point of rock to which they are chained; so small that sleep or change of position must result in their falling off, to hang in their manacles, severely bruised, perhaps, until the period of relief."

The treatment of coolies in other parts of Peru was equally cruel. He was indebted to a friend of his, well known to that House, both as a literary man and a politician—he referred to Mr. Jenkins, the author of *Ginx's Baby*, for a statement made by a well-informed Englishman resident at Callao. The writer began by remarking that—

"England and the United States have abolished slavery, and profess to prevent the carrying of it on; yet here, under the name of 'emigration,' it exists in its worse form—Norfolk Island in its convict days being an improved state of existence. Every year thousands of Chinamen are kidnapped and induced under false pretences to leave their country; many die; many destroy themselves; they mutiny and burn the vessels, proving they are not willing emigrants. On arrival here, if in good health, they are sold at a high price, for eight years; but many are sent to the hospital where they die partly through ignorance of the language, and also from want of a will to live,

The few who are bought for house and business purposes are fortunate in comparison with their 300 or 400 brethren purchased by some large farmer and sent miles into the interior, where they are locked up in an inclosure at night, turned out at half-past four in small gangs, each with its armed and mounted driver. They get two meals a-day of rice or beans, and on some farms meat twice a-week. Work being over, they are driven back and locked up at six, and this goes on from week's end to week's end, from year's end to year's end; they have no note of time, the Sabbath being like any other day. Those who exist—I will not say live—out their contract have become so degraded and ruined in health that they would be afraid to ask their liberty, having been flogged for much less. The owner of the farm is the only judge, in his absence his overseers; they whip, imprison, put in the stocks, and even kill with impunity; there is no one to interfere. Happy is the Chinaman who dies on the way; to whom can he apply for redress? He does not speak the language, and, after years of residence, only knows the names of the articles used on the farm, and the oaths that have been addressed to him. It was to the slave owner's interest that his slaves were healthy and increased, as each young slave was so much added to his stock—so many dollars more to his cash; but these poor creatures do not see a woman; the farmhouse is a fortified castle with iron bars, the inmates well armed; but the low feeding and hard work leave little spirit in poor John Chinaman to disturb his master."

To this painful statement he would add the fact that a few years ago some of these unhappy men were enabled to place a Memorial in the hands of the American Government, which was afterwards forwarded to the American Minister at Pekin, when Prince Kung felt very strongly about the miseries inflicted upon his poor countrymen, and expressed a hope that the great American Government would interfere on their behalf, because the Chinese Government was powerless to do so. The state of things in Cuba was equally deplorable; and on this part of the question he was fortified by the high authority of a Cuban gentleman, who had supplied him with accurate and reliable information. From him he learnt that—

"The Chinese trade for the importation of Chinamen into Cuba for agricultural purposes commenced about the year 1849 or 1850. The first immigration consisted of about 4,000. At first they were not found useful in the sugar plantations; but, subsequently, when it became difficult to obtain negroes from Africa, these disadvantages were overlooked, and the demand for Chinese was revived. One firm then imported 7,000 of them, and the Administration at first exhibited every disposition to adopt and enforce regulations for their protection. Since then the trade has attained very large proportions, some going into it for the sake of profit, and others from

the illusory notion that Chinese labour would prove a death-blow to slave labour. Agents are stationed in China, at the public expense, for the purpose of engaging the labourers, who are required to sign contracts undertaking to work in Cuba at the place and in the manner appointed on their arrival there—that is to say, according to the usages of the country—for a period of eight years. The agent or his representative (for the contract is transferable like a bill of exchange) undertakes to pay the Chinaman wages amounting to four dollars a month, less the money advanced in China, and the days (in excess of eight) lost by sickness or other causes. Victuals and clothes are to be supplied to him, and at the end of eight years he is entitled to his freedom, but must either re-indenture himself, or leave the country within 60 days. There is reason to believe, especially in the item of wages, that there is a difference between the Chinese and the Spanish version of the contracts. The vessels employed in this trade resemble those with which the 'Middle Passage' has rendered us familiar. The poor Chinese are confined on board in great crowds, with hardly air enough to breathe; and the miseries of their condition often lead to revolts, followed by sanguinary massacres. On arriving at Havana the Chinese are treated exactly like the negroes. They are confined in large barracoons, and sold individually or in lots by a mere endorsement of their contracts, and then taken to the sugar plantations. On the plantation the Chinese labourer is treated as a slave. His scanty wages—a fourth less than is earned by many of the negroes—hardly suffice to supply him with the necessaries which, from the poverty of his own fare, he is compelled to buy. The frequency with which the Chinese commit assassination or suicide is the best proof of their desperate condition in Cuba. While the proportion of criminals is only 1 in 1,863 for slaves, it is 1 in 175 for Asiatics. In most of these cases, however, the Chinese endeavour to get rid of the intolerable burden of existence by flight, and frequently perish in the woods. In spite of protecting laws, the Chinese are subjected to cruel punishments on the sugar plantations, the overseers being both judges and executioners. Formerly the Chinaman recovered his liberty of action on the expiration of his original period of service; but recent ordinances imposed by Spain compel him to be always under a master or patron, or at once to leave the country—which, of course, for want of means he is unable to do. He is put in jail until he gets a new master, who is compelled to pay the military authorities a sum of money—not long ago 34 dollars—for the privilege. Thus the servitude of the Chinese practically becomes lifelong. Marshal Serrano has given the following testimony:—As to the Asiatic colonization I cannot but repeat what I have heretofore said, and condemn it (the Coolie trade) as the source of many evils and abuses similar to those inherent in the slave trade. Asiatic colonization, as now carried on, and in spite of regulations, is a temporal slavery, with all the inconveniences of perpetual slavery. In whatever manner it may be prosecuted, it will prove to be a calamity for Cuba, when all our efforts should be directed to assuring the preponderance of the white race, and when the mingling of a third race with those now peopling the country must inevitably raise a new and darker cloud over the horizon of our unfortu-

nato Antille.' The evils of Chinese immigration to Cuba are aggravated by the enforced celibacy of the labourers. They are accompanied by no women, and there is a mutual repulsion between them and women of the African race. Thus a state of society is being built up which can only be described as infernal. There are 60,000 Chinese now in Cuba, but their number is constantly increasing. The African slave trade is abolished, but the Chinese slave trade has taken its place."

Having shown, he said, that the Coolie traffic both in Peru and in Cuba was stained by the worst crimes of the African slave trade, he would next proceed to point out the connection between it and the gambling practices carried on at Hong Kong in houses licensed by the British Government. The poor Chinamen who had lost all their money at these gambling-houses fell easy victims to the agents of that so-called emigration system, and sometimes staked their persons on a last throw. He could not understand how the sanction of our Government should be given to gambling-houses in a British colony, in spite of remonstrances of the Chief Justice and the local merchants. It was certainly remarkable that such a thing should be allowed to go on under our protection at Hong Kong, at a time when it was forbidden not only by every respectable Christian State, but was also excluded from Japan, and even from every part of China where there was an honest and an energetic governor. In reading the Parliamentary Papers on the subject, he had been greatly astonished to find that when General Whitfield, a man who, to judge from the Papers, seemed to him a high-minded gentleman and an honour to the public service, who had been left in temporary charge of the government of Hong Kong, notified to Lord Kimberley that in his judgment the licensing of gambling-houses should be brought to an end, his Lordship answered him in the following telegram:—

"Your despatch, No. 68, received. Issue fresh licences on expiration of old ones. Make no alterations without instructions."

He confessed that that telegram was to him inexplicable, and he could not imagine what explanation would be offered. He felt sure that neither Lord Kimberley nor the hon. Gentleman opposite (Mr. Knatchbull-Hugessen) wished to encourage gambling. There must be some explanation which his hon. Friend could give, but he confessed it surpassed his

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ingenuity to conceive what it was. Now, the question was, what was it in the power of the Government to do? There were three points that he would suggest for the consideration of the Government. First, that they should use their influence with the Portuguese Government for the purpose of putting a stop to this trade at Macao; secondly, that they should endeavour to induce foreign Governments to adopt the principles of the Bill brought in by the Under Secretary on the preceding night, for the prevention and punishment of criminal outrages upon natives of the islands in the Pacific Ocean; and, lastly, that they should suppress the gambling-houses in Hong Kong. It was a sad and lamentable state of things, when they had fondly hoped that the slave trade had been put down by the exertions of their fathers, that they found themselves still obliged to apply to the Chinese Coolie traffic the words of a poet who wrote nearly a century ago, and they were the last words with which he would trouble the House—

"The tender ties of father, husband, friend,
All bonds of nature in that moment end,
And each endures, while he draws his breath,
A wound more fatal than the scythe of death."

MR. T. HUGHES, in seconding the Motion, tendered his thanks to Her Majesty's Government for the passage in the Queen's Speech, which showed that they were alive to the pressing importance of this subject. If the Bill which would be introduced should prove such a Bill as was promised by the noble Lord the Secretary of State for the Colonies (the Earl of Kimberley) last year, it would have the effect, as far as England was concerned, of stopping the system of kidnapping which had been referred to. The fact was, that at no period had the position of what were called the inferior races been more critical than at the present time. It was supposed that in 1863 a death blow had been given to slavery and the Slave Trade; but it had since been found that slavery was a hard beast to kill, and that it was growing up like a hydra in different parts of the world under the euphonious names of the Apprentice System and Coolie Emigration. The Slave Trade was now practically flourishing in the Fiji Islands, on the East Coast of Africa, in Peru, in Cuba, and more than anywhere else in China, at the Portuguese settlement of Macao. On the other hand, there

never was a better time than the present for taking this matter strenuously in hand. What ever might be our differences with the United States in other respects, we were sure of the cordial co-operation of that country in putting down the Slave Trade in all parts of the globe. They had paid much more for the emancipation of their slaves than we had, and they were as proud of their emancipation as we were, and he felt convinced that they would co-operate with Her Majesty's Government in the endeavour to give a final blow to the system. He was sure all the leading nations of Christendom would co-operate with this country in such an object. But it was necessary to go to them with clean hands. The Bill which had been introduced by the Colonial Secretary, and to which he had already referred, would enable us to do this with respect to the Pacific Islands; but we had still a reform of a very pressing nature to carry out at Hong Kong before we could feel satisfied that we had done our duty. With reference to the gambling-houses at Hong Kong, it was perfectly clear from the evidence he had been able to collect, that that system of gambling had fed the Coolie Traffic at Macao. He would not attempt to fix responsibility upon any particular Government, and he would admit that when gambling was first licensed, it was thought that the system would have a beneficial operation upon the natives of Hong Kong. This hope, however, was now entirely frustrated. He must trouble the House with a short sketch of what had taken place in the last two years. The Return which had been already referred to, stated, in September, 1870, that the Lieutenant Governor of Hong Kong, General Whitfield, sent home an announcement that he had received a Minute from the Executive Council advising that the gaming-houses should be closed on the 1st January, 1871; that he had consulted with them, and in accordance with that Minute he had notified to Wo Hang and others that they might continue to hold their licences until the 31st December then next, and no longer. Wo Hang was the Chinaman who was the licensee of the gambling-houses for Hong Kong, and he had paid into the Imperial Exchequer \$13,340 a-month on account of these licences. In answer to his despatch,

General Whitfield received from the Colonial Office a telegraphic despatch, which probably astonished him not a little. By it he was ordered to issue fresh gambling licences upon the expiration of the old ones, and to make no alteration in the system without instructions. The Secretary for the Colonies wrote also, explaining that a temporary occupant of a Governorship, like General Whitfield, should not, except in a case of great emergency, have taken upon himself to alter the policy of the Governor whose place he was for the moment filling. In consequence of this communication, notices for fresh tenders for licences were issued; but General Whitfield wrote that he had been fully under the impression that no more acceptable action could be taken in the colony than to put an end to the legalization of public gambling. He also said that by the licences being put up to open competition, he believed that an increase of \$4,000 or \$5,000 a-month, or even more, could be obtained. He was right to some extent, because for the new licences the payment rose to \$15,000 a-month. The Lieutenant Governor took no further step in the matter except to send home a memorial, signed by 947 Chinese householders, in March, 1871, remonstrating against the system of having public gambling-houses. He (Mr. Hughes) believed a new Governor was about to go out to Hong Kong, and he trusted that he would take with him peremptory instructions to put an end to this licensed system of gambling. It appeared that no less than \$680,000 was paid on account of the public service of 1871, out of a fund which consisted only of the accumulation of fees for licensed gambling in Hong Kong. Their only course was to put an end to the system. There had been a great outcry against re-introducing into France a system of gambling under the authority of Government, and surely it was worse that we should provide for what were called the inferior races in our colonies a system of gambling established under the authority of the British nation, but which Englishmen were prohibited from using themselves. He hoped, not only that the system would be put an end to, but that the \$680,000 would be returned, and expended in some way for the benefit of the inhabitants of Hong Kong, who had

been so seriously injured by us in this matter.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of Papers relating to the Chinese Coolie Traffic,"—(Mr. Robert Fowler.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. EASTWICK said, he supposed that no one would deny the horrors incidental to the Coolie traffic from Macao to Peru and Cuba, though perhaps some persons would be inclined to ask why we should be so Quixotic as to interfere in the matter. The first answer to this was that our foreign policy had never been guided by a pounds, shillings, and pence interest in reference to such things as these, and beyond this we had a direct interest in the matter, because the Chinese Government was disposed to acknowledge with gratitude any influence exercised in favour of their subjects abroad. No doubt, also, the inhabitants of the Celestial nation were inclined to lump together all foreigners under the head of "outer barbarians," and, therefore, the odium of this Coolie traffic, whilst it existed, would fall partly upon us. We had, moreover, a direct interest in the subject, inasmuch as our Australian colonies had been greatly benefited by the introduction of Coolie labour. He trusted, therefore, that Her Majesty's Government would give their earnest attention to this matter, and would adopt a course consonant with the generous policy of this country.

MR. MARTHUR trusted Her Majesty's Government would make representations that would induce other Powers to co-operate with them in the suppression of this nefarious traffic. Accordingly, believing that the Portuguese authorities were the most to blame, it seemed to him that a remonstrance addressed to that Government might have a good effect. What was required was a well-regulated system of emigration, which would put an end to the grave evils of the re-apprenticeship

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system. If the inhabitants of the Pacific Islands were convinced that they would be protected under a system of free labour, emigration would be stimulated, and much good would result to our colonies.

SIR CHARLES WINGFIELD said, that when the Portuguese Consul at Peru reported that certain coolies had been branded with a hot iron, the Government of Macao had immediately interdicted Coolie emigration from that port. He did not know how the Portuguese Government had met that allegation; but he trusted that Her Majesty's Government would make such representations to that Government as would induce them to put a stop to such a practice, and that they would endeavour to prevent the regulations relating to this traffic from degenerating into mere formalities. The belief that Europeans were engaged in kidnapping Chinese had led to the perpetration of many crimes on the part of the latter people. He thanked Her Majesty's Government for the Bill they had introduced to afford protection to the Pacific Islanders.

VISCOUNT ENFIELD said, he should be very sorry were he to underrate the importance of the subject, which had been introduced by the hon. Member for Penrhyn (Mr. R. N. Fowler), in a speech that was worthy of the highest admiration for its humane character; but he wished that the hon. Member had pointed out what steps other than friendly representations and counsel could be taken by Her Majesty's Government with regard to the Portuguese Government in reference to this matter. Since 1853 successive Governments in this country had done their best with regard to the Chinese and other Governments to secure proper regulations being adopted with respect to Coolie emigration. In 1853 the subject attracted the attention not only of the French and other Governments; but Papers were laid before Parliament on the Coolie traffic containing a statement of those negotiations, and in 1855 an Act was passed for the better regulation of the emigration of Chinese in British vessels. That was communicated in a Circular to Her Majesty's Consuls in January, 1856, urging upon them its strict execution. That answered as far as British vessels were concerned; but, unfortunately, it did not prevent the crimping of emigrants in a country

like China. Chinese laws forbade the emigration of these natives; but it was connived at, and atrocities were committed, as related in Papers laid before Parliament in 1860. The occupation of Canton in 1859 resulted in establishing a better system of emigration, and Mr. Austin, the Commissioner of the West Indian Labour Agency, founded depôts at Whampoa to replace the crimping which had existed at Canton. The Chinese Governor General recognized those depôts by proclamation, and early in 1860 similar establishments were formed at Swatow. In addition to that, moreover, the free emigration of Chinese was formally stipulated for in the 5th Article of the Treaty of Tien-tsin in October, 1860. In 1865 Prince Kung proposed to Mr. Wade, their Chargé d'Affaires, a set of regulations protecting Chinese emigrating as hired labourers, and on the return of Sir Rutherford Alcock these were embodied in a Convention, signed on the 5th of March, 1866. Objections were, however, taken to some of these provisions, both by the French Government and by our own Colonial Office. These objections were the limitation of engagements to five years, the proposal to secure the emigrant a return passage, the restrictions upon the hours of labour, the employment of youths under age, and the probable discontent of the coolies now in the British Colonies, of whom there were 12,000 in British Guiana and Trinidad alone. After various communications, Sir Rutherford Alcock was told to propose a modified form of Convention, and it was expected that the old regulations would still remain in force. In June, 1868, the Chinese Government replied to these fresh proposals: they abided by the Convention of 1866, but declined to sanction emigration under the old rules. A long correspondence ensued, and the negotiations were partially suspended owing to the absence of instructions to the French Minister at Pekin. The French Government were now renewing negotiations, which were proceeding at Pekin. As regarded the Chinese Government, it should be remembered that the Treaty of Tien-tsin provided emigration regulations; that the Chinese Government proposed another set of regulations in 1865; that a Convention was made out of them in 1866, which still remained in force; that the Convention was not rati-

fied by the British and French Governments, and that negotiations were still proceeding at Pekin as to the exportation from Macao to Peru. In October, 1866, Lord Clarendon instructed Sir A. Magennis to represent to the Portuguese Government that the mortality attendant on emigration from Macao to Peru might be lessened by the adoption of proper regulations. Their reply was, that they would adopt the regulations of the Convention recently signed at Pekin. It did not appear, however, that a stop was put to these abuses. Public attention on the subject had culminated in March, 1869, when Lord Clarendon received a despatch from Mr. Jerningham, stating that 48 Chinamen had been branded as slaves in Peru. The Governor of Macao thereupon prohibited emigration to Callao, and Lord Clarendon directed Sir Charles Murray to remonstrate. In January, 1870, the Portuguese Government informed Sir Charles Murray that the story of the branding was untrue. Meanwhile Her Majesty's Government had determined, as far as in them lay, to disown these emigration atrocities, and in 1869 Lord Clarendon informed the Colonial Office that, looking at the way in which Chinese crimps obtained Chinese emigrants, and the sufferings they endured in other countries, and especially in Peru, they intended to prohibit the departure from Hong Kong of Chinese subjects in any other than British vessels to any place not within the dominions of the Queen. This was now in force, and had been communicated to Peru. In November, 1870, occurred the case of the Coolie vessel *Nouvelle Penelope*, and about the same time the tragedy on board the *Dolores Ugarte*, stranded at Honolulu, with the sufferings of many coolies on board. Earl Granville addressed a despatch to Lisbon on the subject, calling attention to the continued cruelty and suffering to which the Chinese coolies were subjected, expressing the earnest hope that the Portuguese Government would continue to support and assist the attempt of the Chinese Government to put an end to such atrocities. A further report received from Her Majesty's Consul at Canton in May was communicated to the Portuguese Government last June. But, unfortunately, that was not the only case of atrocity that occurred, for circumstances came to the knowledge of the

Governmont, showing that the *Dolores Ugarte*, under the name of the *Don Juan*, was again employed in the Macao Coolie traffic, and was subsequently burnt with 500 coolies on board. On intelligence of this, Earl Granville on the 28th of last July sent an instruction to Mr. Doria to remonstrate in friendly but earnest terms, and he (Viscount Enfield) hoped to be able to produce that despatch, or extracts from it, at a later period of the Session. The Portuguese Government, in reply, excused themselves from the charge of inhumanity, and enclosed a copy of their regulations at Macao for 1871, maintaining that those regulations were sufficient for their purpose if they were properly carried out. As a summary of what England, through her Government, had tried to do, he would mention the Chinese Passenger Act of 1855, the emigration system established in 1860, the formal assent of the Chinese Government to emigration under proper regulations in the Treaty of Tien-tsin, the prohibiting of Hong Kong as a dépôt for emigration to any but British colonies and in British ships, and the remonstrances on all occasions with Portugal against the atrocities at Macao. This was how the matter stood up to the close of last year. With regard to Cuba, no very recent accounts had been received by the Government of the treatment of the coolies there; their numbers were very great, but there was reason to believe that they were not exposed to as great sufferings as the coolies in Peru. Our agents did not speak in their reports of any cruelties being exercised towards them. They received much better wages, a cook, he was told — and the Chinese were very expert in cooking—getting something like £10 a month. They were, moreover, subject to no punishments except at the hands of an overseer of their own nation, and if not paid well they would commit suicide, fear of punishment having no effect upon them. Our representative at Cuba reported that the condition of the coolies there was far better off than was the case, from what he had heard, in Peru. He thought the efforts of successive Governments in the way of conventions and friendly remonstrances had not entirely failed of effect. With regard to the Motion, he hoped the hon. Member for Penrhyn would be satisfied with his promise that he would endeavour to present

further Papers at the earliest opportunity. The subject was one in which the Foreign Office took a deep interest, and he trusted that, as time went on, their efforts would produce the desired effect, so that the feelings of Englishmen would not be shocked in future years by a repetition of atrocities on which the hon. Member had dwelt with so much force and good taste.

SIR CHARLES ADDERLEY wished, on behalf of the West India planters, to make some observations on the matter. It appeared to him that there were two subjects mixed up together which were wholly different in their character—namely, the emigration of coolies from Hong Kong to the West Indies, and the traffic in coolies from Macao to Cuba and Peru. With regard to the former, nothing could be more beneficial to the Chinese themselves, as well as the West Indies, than this emigration; but, unfortunately, the Convention of Sir Rutherford Alcock, unauthorized and still unratified, though very well intended, imposed conditions so onerous upon the system, as to prove almost a complete obstacle to the continuance of that emigration. Those conditions related to the free back-passage of coolies to their country at the termination of five years' service. The practical proof of the success of this emigration, until in 1866 it was so stopped, was the fact that the Chinese brought to the West Indies, after the expiration of their services, remained generally in the West Indies, and many of them entered into fresh indentures after their apprenticeship expired, while others continued to work there as free labourers, and some, after going back to China to invest their savings, returned to service in the West Indies, bringing out their relations. It was only, therefore, to be desired that Sir Rutherford Alcock's Convention might be so far altered as to prevent its being an obstruction to this emigration. The West India planters would consent to a free back-passage given after 10 years, instead of five years as required by the Convention. The statement of atrocities incident to the Coolie traffic from the Portuguese Settlement of Macao to Cuba and Peru was no doubt fully borne out—reviving many of the horrors of the old African slave trade. But the regulations of the Portuguese Government on the subject were very much the same as those which the

Viscount Enfield

British Government had made in respect to the emigration of coolies from Hong Kong. The evil was the want of power on the part of the Portuguese Government to enforce them. The prevalence of the gambling system in Hong Kong was no doubt to be deplored; but he did not think that the connection said to exist between that system and the Macao traffic in coolies had been satisfactorily made out, unless, indeed, the Chinese, on being ruined by gambling at Hong Kong, sold themselves as coolies to Macao exporters. He, however, concurred in the desirability of putting down those gambling-houses in Hong Kong, as a separate question from that before the House. He doubted whether legislative action could be taken analogous to the measure proposed for checking the Fiji atrocities, for in that case we had one side of the traffic in our own hands—namely, the arrival of the kidnapped slaves in Queensland, a colony where the British authorities could inflict the penalties enacted against such an offence. But when they were dealing with matters under the supervision of the Portuguese Government, and in no part of it coming under our own, he did not see what power the British authorities had except to make remonstrances to that friendly Power, which appeared as anxious as ourselves to attain the same object. The only step we could take beyond remonstrance would be actual treaty. It appeared to him that in this and every opposition to slave trade, our efforts ought rather to be directed to the place of demand for slaves than to that of supply. In all our endeavours to put down that horrible traffic, we might feel assured of the co-operation of France and America on the seas as well as that of the Portuguese Government on the spot. The present check by increased expense to the legitimate and beneficial well-regulated emigration of coolies from Hong Kong, was promoting the objectionable traffic from Macao.

Mr. GILPIN said, he would admit the possibility, that while one of two kinds of coolie emigration referred to was wholly bad, the other might be, to a great extent, good. He hoped the hon. Member for Penryn (Mr. R. N. Fowler) would be satisfied with the Returns offered by the hon. Gentleman the Under Secretary for the Colonies, and with the way in which the offer was made.

He was glad the subject had been brought before the House, because it had called attention to a crying evil which had been too much lost sight of. The fact was, that the slave trade, under various forms and varying names, was at this moment as rife in the world as it ever was in the worst times, when so much was heard of the horrors of the Middle Passage. With reference to the coolie traffic from Hong Kong, and the influence of the gambling-houses upon it, he would put it to his hon. Friend the Under Secretary whether it was not a fact that a high official at Hong Kong, who was discharged some years ago for complicity in this traffic, was not only back again in the service of the Government, but using his influence to encourage the coolie traffic as well as to promote gambling-houses? It might be safely left to the Foreign Office to bring the weight of English opinion to bear upon Portugal and Spain in the matter; but though, no doubt, there was a great difference between emigration from Hong Kong and that from Macao, he could not agree with his noble Friend as to the happy state of the coolies in Cuba. Macao had very little trade with any other part of the world, but was maintained almost solely by the gambling-houses and the coolie traffic, which they persisted in carrying on in a manner which was said to be in defiance of the Portuguese authorities.

MR. KNATCHBULL-HUGESSEN said, that if he had had any notice of the point which had been raised in regard to the Convention of Sir Rutherford Alcock, he should have been prepared with a detailed statement on the subject. He quite agreed with the propriety of drawing a distinction between the coolie traffic from Macao to South America and that to the West Indies. That task had been so well fulfilled by the right hon. Gentleman the Member for North Staffordshire (Sir Charles Adderley), that it was only necessary to say, with regard to the importation of Chinese labourers to the colonies of this country, that, if any amendment could be introduced, hon. Gentlemen might rely on the action of Her Majesty's Government, as it was their most earnest desire to do everything to countenance better treatment of the coolies, and to afford increased facilities for their returning home. He had risen on account of the pointed reference

which had been made to the gambling-houses at Hong Kong, and to the telegram which appeared to have excited so much uneasiness in the mind of the hon. Member for Penryn (Mr. R. N. Fowler). With regard to the gambling-houses—supposing that question to be properly connected with the Chinese coolie traffic—hon. Gentlemen must not suppose that that question was entirely one-sided. The Chinese were addicted to two vices—gambling and opium-taking—and it was doubtful whether any law could prevent them from indulging in one practice or the other. Some people were of opinion that the suppression of licences would bring about effects similar to those which they apprehended would result in this country from the passing of the measure of the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson)—that it would lead to a great deal of illicit traffic—and he was bound to say that the information in the possession of the Colonial Office went a great way towards justifying that supposition. That was the theory on which Sir Richard MacDonnell acted, and he must say that the Papers which had been presented to the House somewhat justified that policy. In a despatch dated 12th April, 1870, he stated there was a largo diminution of crime. In March, 1870, the Chief Justice of the colony, in his charge to the grand jury, also stated there had been a great diminution of crime in the colony during the administration of Sir Richard MacDonnell—that was, since the establishment of licensed gaming-houses. The Colonial Office instructed General Whitfield not to revoke the licensing system. No doubt he was actuated by the best motives in his intention to do so; but they considered it was a strong measure for a Deputy Governor to suddenly reverse the policy of his predecessor, who was likely at the expiration of his leave to return to his office. Another reason was that the Chief Justice had sent a despatch reflecting on the state of the police, and it was the opinion of the Government that the sudden suppression of these licensed gaming-houses would be productive of great evil in the colony until the police had been reformed. Since that time they had been reformed, and he believed that now the gaming-houses might be reformed without any danger to the public peace. Ever since he had been connected with the Colonial Office,

he and his noble Friend (Lord Kimberley) had been of opinion that the encouragement of gambling was an offence against public morality, and they had never wavered in their policy. He heard with regret the remarks of his hon. Friend the Member for Northampton (Mr. Gilpin). He must say, with great deference to his hon. Friend, that if he had occasion to find fault with any colonial officials, he should name them; or, if he would communicate with him (Mr. Knatchbull-Hugessen), he would endeavour to obtain for him such information as would prevent him from making any statement against an individual which might afterwards turn out to be unjust.

MR. GILPIN said, he was in full possession of the information; but he purposely abstained from mentioning any names and addresses, which, however, he was fully prepared to do.

MR. KNATCHBULL-HUGESSEN, in conclusion, said, Sir Richard MacDonnell had full instructions to suppress the licensed gambling-houses, and he was now engaged in putting an end to those houses in the colony. He regretted he had not been able to make a full statement upon the general question of coolie labour traffic in moving the introduction of the Pacific Islanders' Protection Bill on the previous evening, but hoped to do so at a future stage of the Bill. He could assure the House that wherever the traffic in slaves existed, Her Majesty's Government would do their best to put it down.

MR. R. N. FOWLER, in reply, said, he would withdraw his Motion, and in doing so would suggest that the Government should communicate with foreign Governments, with a view of making the carrying on of the coolie traffic a breach of International Law.

Amendment, by leave, withdrawn.

JURY SYSTEM.—OBSERVATIONS.

RESOLUTION.

MR. LOPES, in rising to call attention to the defective state of the Law with regard to the summoning, attendance, and remuneration of Jurymen; and to move—

"That the Law relating to Juries ought to be dealt with as a whole in a Bill to be brought in by the Government at the earliest possible period."

Mr. Knatchbull-Hugessen

said, he brought the subject forward in the firm belief that the existing state of things was inconvenient and onerous to a large portion of Her Majesty's subjects, was unsatisfactory and distasteful to the litigants and suitors, and not at all in keeping with the desires and feelings of those who were concerned in the administration of the law. It might be very justly said that jurymen, and emphatically London jurymen, were the worst used individuals within the bills of mortality. Failing to appear when summoned—and often when late—they were fined without the opportunity of explanation. Called upon to discharge most important and responsible duties, they were regarded with unmitigated dissatisfaction if they failed to unravel and solve difficult matters of fact, which the most astute and subtle advocates were employed to mystify and confuse. Kept waiting day after day in the unhealthy precincts of a court, their health and private convenience were entirely ignored, and if they were merchants or traders their time was considered of no value. He feared, unless an adequate remedy was applied to the existing state of things, that before long jurymen would become such discontented beings that they would shirk their duties when they could, and that when they could not do so, would negligently discharge them. There was not a "sensational" or sentimental grievance—the evils complained of had been recognized over and over again by Parliament, and had been descended on by almost every Judge of the Superior Courts. In 1867 the subject was referred to a Select Committee; but being unable to complete its labours that Session, it was re-appointed in 1868. A number of most competent witnesses were examined, and a most elaborate Report was presented to Parliament, in which the Committee recognized all the grievances of which jurymen complained, and it recommended a speedy amendment of the law. Moreover, in 1869 the Judicature Commission in their Report recognized the defective state of the law, and in 1870 a Bill was brought in by the noble Lord the Member for Middlesex (Viscount Enfield). That Bill was referred to a Select Committee, when another elaborate Report was made, and in the end that Bill, with amendments, became law. That Act in itself was

crude, insufficient, and inadequate, but it contained many valuable provisions, and he thought the public were much indebted to the noble Lord for paying so much attention to the subject. It provided for the remuneration of jurors on a higher scale than before; but in consequence of the machinery for providing a fund out of which to pay them being found to be inadequate, that clause had to be repealed, and, in point of fact, the remuneration stood now precisely as it did before the passing of the Act of 1870. The root of the evil, however, was in the insufficient and inadequate compilation of the jury lists. Hon. Members might be aware that the jury lists were prepared by the overseers in September every year. They were afterwards submitted to the magistrates, who allowed them. But for the somewhat onerous duty thus cast upon overseers they received no remuneration; and he regretted to say that the result was this—that the jury lists of one year were frequently simply a copy of the jury lists of the year before, or, it might be, of the jury lists of 10 years before. And thus no notice was taken of removals, of deaths, or of those who, since the lists were originally prepared, had become qualified in the parish to serve as jurors; and it came to this—that the duties of a juror, instead of extending over a large number of the inhabitants, were confined to a comparatively few. Mr. Burchell, the Under Sheriff of Middlesex, stated, before the Committee of 1867 and 1868, that the number of special jurors in Middlesex was nominally 1,800, but of that number only two-thirds were available, from the cause he had already stated; but under an improved system Mr. Burchell thought the number would be increased to between 6,000 and 8,000; and he attributed all the complaints that had arisen, not from any breakdown of the system, but from the careless manner in which the lists were prepared. Mr. Abbott, the Under Sheriff for Surrey, also spoke of the imperfect character of the lists, and expressed an opinion that if proper returns were made there need be no excuses of "gone away," "not known," or "dead," and that the number of available jurors for Surrey would be increased four-fold under an improved system. The Judicature Commission, in their Report of 1868, expressed an op-

nion that the jury lists ought to be made out with greater care, and in their Report of 1869 they stated the complaints were well founded, but that they were chiefly attributable to the imperfect mode in which the jury lists were framed, and that it was manifest that the duties were not fairly distributed amongst those who ought to be called on to discharge them. He would not say whether it would be better that the jury lists should be made out by the clerks of the assessment committees, or, as some had suggested, that the lists should be revised annually by the revising barristers, when they revised the Parliamentary lists; but it was evident that if it was to be done properly it should be done by more competent persons than at present discharged the duty. The old qualification for special jurymen was an esquire, or a person of higher degree, banker, or merchant; but the Act of 1870 introduced a rating qualification of £100 in towns containing a population of 20,000 and upwards, and of £50 elsewhere; but he thought a beneficial change might be made by introducing on the list persons who lived independent of trade and profession, and to whom a little wholesome occupation would be very acceptable. At the present moment it was left to each individual to determine for himself whether he should serve on a special or on a common jury. Suppose a person who ought to serve on a special jury thought a common jury had less to do, what happened? He was a banker and wrote himself down as a gentleman. Well, the result was he was called on the common jury. On the other hand, a rag merchant, if you liked, or some other person in a very low position, thought it might be better to serve on a special jury, and what did he do? He described himself as a merchant, and, therefore, he was called on a special jury. He (Mr. Lopes) submitted that it was a very great mistake to leave it to the discretion of individuals to determine on which of the juries they should serve. Again, why not assimilate the qualification of juries in cities and boroughs with those of the counties? The Committee to whom the Bill—which afterwards became the Juries Act, 1870—was referred, found that, owing to the large increase in the burgess roll, caused by the Representation of the People Act, 1867, and the number of persons qualified to

serve as jurors under the freeman's qualification in certain cities and boroughs, the qualification in cities and boroughs was generally too low, and they were of opinion that a Bill should be brought in by the Government, containing provisions for the amendment of the law in that respect. There was another mode of relieving special jurors in civil cases. The number might be reduced to seven, who would form as good a tribunal as twelve, unless there was occult power in the latter numeral. If this reduction were made, the valuable time of merchants would be saved; causes would not so frequently go off for want of special juries, and there would not be so frequent a necessity for praying a tales. Moreover, each jurymen would be urged by an increased responsibility to give increased attention to the evidence and verdict. He did not propose to interfere with the number of juries in criminal cases. With regard to the important question of remuneration, he maintained that there should be a reasonable and fair payment for the services of jurors, who ought to be adequately remunerated. The Judge, counsel, attorneys, witnesses, and even the crier, who called for silence, were remunerated adequately, and the juries were the only persons amongst the performers whose claims were overlooked. In the Juries Act, 1870, provision was made for the payment of £1 1s. a-day for a special juror, and 10s. for a common one; and that, he held, was a fair remuneration, and a decided improvement upon the former scale, by which a special juror received £1 1s. for each cause, a common juror 8d., a sheriff's not less a sum than a groat; but unfortunately, as he before observed, the machinery of the Act failed in that respect at least, and that particular clause was repealed in the next Session. The question had been raised, by whom should the payment be made? He submitted that the State ought to do this, and not the parties in the case; and he knew no reason why, if the Judge who dispensed the law was paid by the Crown, the jury who tried the facts should not also be remunerated from the same source. He would propose, in order to meet any objection of the Chancellor of the Exchequer, that the State might reimburse itself by the imposition of a stamp on every process by

Mr. Lopes

which legal proceedings were originated —on a writ in the Superior Courts, and on a plaint in County Courts. In conclusion, he would express a hope that the Government were prepared to bring in a measure which might provide an adequate remedy for the present defective state of the law. He had already had some encouragement from the Attorney General to look for a step in that direction; and no doubt his hon. and learned Friend's experience in the celebrated cause that had occupied upwards of 80 days in hearing would induce him to urge some remedial measures in regard to the remuneration of juries.

MR. W. H. SMITH, in seconding the Motion, said, he could testify to the great dissatisfaction which prevailed in the mercantile constituency which he had the honour to represent at the operation of the present law. The same set of men were over and over again called to Westminster or to Guildhall to discharge the duties of jurymen, while others equally competent obtained a total exemption. It was no wonder, then, that so many suffered from a sense of injustice, seeing that their private affairs were neglected owing to the frequent calls upon their time. The evidence taken before the Committees of 1868 and 1870 bore out all the statements of his hon. and learned Friend (Mr. Lopes). The Committee of 1870 reported that the Bill of that year was quite unsatisfactory; but they felt that the question was so large and serious that it ought to be dealt with by the Government as a whole, and their Report contained a strong recommendation to that effect. The statement that there were only 1,800 persons in Middlesex who might be taken as special jurors would take most persons by surprise when the enormous population of the county and its vast interests were taken into account; and he thought the list of special jurors might be made considerably longer than it was at present. Then there might be an official revision of the lists. Nothing of the kind was done, for serving on juries was by no means popular, though the lists of voters were regularly examined. There was a special reason why the lists should be revised—namely, because the duties of jurors being irksome, almost every means was adopted by persons liable to serve to escape the ordeal altogether, and thus

the duties fell unduly upon others. The suggestion of his hon. and learned Friend as to the reduction in the number of jurymen called for careful consideration from the Government. Trials in County Courts by a jury of five were successful enough; indeed, their verdicts were quite as satisfactory as those recorded by a larger number in the Superior Courts. Even in the great case now in course of trial, no disadvantage was experienced from there being a smaller number than 12 on the jury. If his hon. and learned Friend's proposition of seven were adopted, he believed there would be greater readiness in Middlesex and large towns throughout the kingdom to undertake duties which almost every liable person now sedulously avoided.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Law relating to Juries ought to be dealt with as a whole in a Bill to be brought in by the Government at the earliest possible period,"—
(*Mr. Lopes.*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. HUNT said, he rose for the purpose of calling attention to one point that had not been noticed by either of the hon. Gentlemen who preceded him. It had reference to the state of the law as affecting persons living in large towns, which had quarter sessions of their own. According to the law at present many persons whose qualifications rendered them liable to serve on a jury were in such a town exempt from serving on a quarter sessions jury, but not at the assizes. He believed that was the law. There was, however, no machinery by which they could be brought to serve at the assizes. The clerk of the peace in his own county had, after inquiries into the matter, come to the conclusion that it would be unsafe to enter such persons in the jury books, for supposing the law did not justify that course, wherever it was adopted criminals would be convicted by a jury improperly constituted. He therefore hoped that, while legislating on the subject, this uncertainty of the law would be satisfactorily cleared away, for he

thought it was a matter which ought to receive the attention of the Government.

MR. WHEELHOUSE said, however the Act of 1870 might have failed—and it had not answered the expectation of its promoters, for want of a fund out of which jurymen could be adequately reimbursed—he did not think it would be practicable to provide remuneration for jurymen by means of stamps affixed to writs and plaints, as suggested by his hon. and learned Friend (Mr. Lopes), since he (Mr. Wheelhouse) feared that the country would be dissatisfied with that plan; and, indeed, it might operate, where the suitor was very poor, to close the door of justice against him; but he agreed with him in thinking that the number of jurors might with advantage be reduced. He had some experience of the jury system, and he had never heard any complaint that County Court juries had not done their work quite as well as juries consisting of 12 persons. What he would suggest would be that cases should be tried by juries of five or seven at the option of the parties to the suit. If some plan were devised by which anyone who had served on a jury should not be required in the jury box again for three years, great relief would be afforded. In small jurisdictions there might be some little difficulty in making this provision, though none which might not be got over; but in any of the counties of which he had experience there would be no difficulty whatever. He would also suggest that jurors, according to the old-fashioned system, should, as far as possible, be taken from the same neighbourhood, and not be brought from distances of perhaps 50 or 100 miles. As for the qualification, in his view any legislation on the subject ought to sweep away altogether the distinction between the special and common jury lists. If gentlemen had nothing to do, it would be well that they should be brought into the box to discharge the duties of common jurymen. He agreed with his hon. and learned Friend that jurymen should be paid by the State, as well as Judges. In these days, when men's time was of greater value than ever, the Treasury ought to provide sufficient funds for dealing with all questions of justice. On the whole matter generally, he thought that no one who knew the jury system could fail to perceive the neces-

sity of dealing with the subject as early as possible.

MR. COLLINS said, a great deal was said about altering the law on this subject; but what he contended for was that juries should be got rid of altogether. They had got rid of them at County Courts, except where either party requested to have them. True, the Judges of the Superior Courts objected to the entire responsibility of deciding cases which would devolve upon themselves alone; but as they were paid officers of State, they ought not to shrink from any duties that Parliament deemed it right to impose upon them. The Judge of one of the Superior Courts had an objection to try Election Petitions; but that did not prevent Parliament from passing an Act throwing upon the Judges the responsibility of deciding cases of that description, in regard to which they now act as jury and Judge. What remained to be done was to settle the jury question by making the Superior Courts analogous in that matter to County Courts, and to limit the number of the jury, whenever either party desired to have their cause tried in that way. He was strongly opposed to the payment of jurors out of the public funds; and in that particular he sympathized with the right hon. Gentleman the Chancellor of the Exchequer. When parties went to law he thought both sides were, more or less, in the wrong; therefore they ought to be called upon to pay the cost of their own causes. That was the way to get out of the difficulty, so far as civil trials were concerned. In criminal causes, as between the Crown and the public, it was not unreasonable to call upon the public to pay the cost of the jury. With a view to the reduction of the expense, which would fall upon the parties in civil causes, it was also desirable to reduce the number on a jury to seven or five.

MR. DENMAN said, he was of opinion, as the result of a long experience in the trial of civil causes, that a jury of seven was sufficiently numerous to insure the due administration of justice; but he could not agree with the view of the hon. and learned Gentleman opposite (Mr. Collins), that it would be well that questions of fact should be taken out of the hands of juries and left for the decision of Judges only. If cases were tried in the Superior Courts without juries, it

would soon become well known what views were held by certain Judges on particular classes of cases, and all sorts of trickery would be resorted to by suitors to get their causes tried by Judges who had shown a leaning to the view they themselves held. In his opinion, regard for law in this country was, in a great degree, kept up by the fact that the Judges were confined to questions of law, while all matters of fact were left to the decision of juries. The multitude of appeals arising in the Courts of Chancery on almost every day showed the evil of leaving single Judges to decide upon the facts as well as the law of cases coming before them; and the number of reversals by one or two Judges of the decisions of a single Judge tended to reduce the law to a state of most mischievous uncertainty. Again, in railway cases—in which, as he humbly conceived, Judges had gone too far in taking upon themselves the decisions of questions of fact, which were properly questions for a jury—when an appeal went to the Exchequer Chamber it was generally found that three Judges took one view and three the other. The same might be said of those cases in which the Judges had taken upon themselves to decide questions of reasonable and probable cause, which in their nature were properly questions of fact for the jury. The consequence of this was interminable litigation and enormous expense to the parties, which would continue unless Parliament stepped in and restored the decision of facts to the jury from whom it had been withdrawn. He therefore did not think it desirable to introduce the County Court system into the Superior Courts.

THE ATTORNEY GENERAL said, he entirely concurred with many of the remarks which had been made by his hon. and learned Friend opposite (Mr. Lopes); but there were some observations with which he could not agree, and some points upon which he could not, without consultation with his Colleagues, speak with any degree of authority. One of the points coming under the last remark was that relating to the payment of jurymen by the State. He could not, of course, say anything upon this point without consultation with the Chancellor of the Exchequer. Another question upon which a great deal might be said on either side was that anomaly

of the adequacy of the remuneration now given to jurymen in payment of their services. It might be said that under the existing law the jurymen were as much a part of the tribunal as the Judge, and ought to be paid as the Judge was, out of the coffers of the State; but the cases did not quite run on all fours, for duties of State had been thrown on other persons, and honourably discharged, for which no compensation was given, and, indeed, for which it would be inexpedient that any remuneration should be offered. Then, again, the juror was only occasionally called upon to discharge his functions, while the Judge had to devote his whole life to the study of the law which it was his duty to administer. He could not agree with the view that it would be well, even in cases where the parties did not desire one, for the assistance of a jury to be dispensed with. His reason for taking that view was this—they lived in a country the institutions of which were mixed up in a vast and complicated system, the working of which was not to be measured by its direct and immediate effects, but by the indirect and consequent effects it had upon other portions of the social and political machine. Therefore, he should exceedingly dislike to see the time when the general public were divorced from all interest or concern in the administration of justice. He regarded juries as a most useful institution, because they interested the general public in the administration of justice, and afforded them an education which hardly anything else could give. Still less would it be desirable to dispense with juries in the trial of cases where passion, or party, or class interests were concerned. It was a great safeguard not only to the parties interested, but to the character of the Bench itself, that there should be in the jury a bulwark, as it were, between the decisions arrived at and the Bench, which would otherwise have to decide both upon the facts and the law of cases. A wise man once expressed an opinion in which he (the Attorney General) entirely concurred, that a jury was an institution of great value, because it compelled the Judge to state his opinion upon cases in a manner intelligible to 12 ordinary men. With regard to the broad general question, however, he entirely agreed in the view that

The estate was then put up for sale, and the abstract was handed to the purchaser's solicitor, who compared it with the original documents, and prepared his requisitions on every point of which he had any doubt. All this, of course, involved considerable delay and expense, and supposing the title to be ultimately made out, as was usually the case, the investigation bound no one except the actual purchaser; so that in the event of the estate, or any portion of it, being resold, the same process had to be gone through again. The great hardship of such a state of things was so generally felt, that as long ago as 1857 a Royal Commission was issued for the purpose of considering the subject, and it made certain recommendations as to the registration of title, the general effect of which was that the registration should be the root of the title, so that any beneficial operation of that registration would be postponed until a good title was conferred by the lapse of time. These recommendations were not acted upon; but in 1859 two Bills were introduced by Lord Cairns, then Solicitor General, and, in his opinion, it was greatly to be regretted that they came to a premature end, for if they had been passed many of the still existing abuses would have long ago disappeared. Lord Cairns proposed to establish a Landed Estates Court, and to give it facilities for issuing declarations of title—not necessarily an absolute, indefeasible title, but a qualified title, if the Court so thought fit; while, by another Bill, he proposed to establish a Registry of Titles. The question was revived in 1862, when an Act for establishing a registry of title was passed. That Act, however, required that the titles registered should be what were called valid marketable titles, or, in other words, such titles as the Court of Chancery would enforce on an unwilling purchaser. There was no doubt that in practice that Act had been a failure. Two competent—most competent and zealous—gentlemen were appointed Registrars; but notwithstanding their zeal and ability the Act had not operated, in consequence of the burdens imposed on the parties registering. According to the provisions of the statute, persons wishing to register were obliged to show an absolute indefeasible title of 60 years, and in order to do that it was frequently necessary to go back

considerably beyond that period. In addition to that, in dealing with an estate for 60 years, it almost always happened that there was some slight defect in the title, some legal estate outstanding, some receipt not signed by the right party, or some missing link which in practice would not affect a title in the least degree, but which would cause it to be rejected by the Registrar. In fact, it had frequently happened that when a person sought to avail himself of the benefit of the Act, he had been confronted by obstacles the existence of which he had not the remotest idea. The next difficulty was the absolute identification of boundaries. In practice, it was usual to obtain from some old person who was acquainted with the property a declaration that the property proposed to be sold corresponded generally with the description of it in the deeds, and to the conveyance a map was appended which for all practical purposes sufficiently identified the property. But under the Act for the Registration of Titles an owner was bound to trace mathematically and accurately every hedge, every ditch, every wall, every fence which bounded his property, and, in order to do this, he was required to give notice to all adjoining owners and occupiers. Such provisions had militated most grievously against the operation of the Act, because people would not incur the risk of raising all these questions. Again, the Act required that when a property was once registered all subsequent dealings and transactions with regard to it should be inserted on the register, the result being that when estates were divided into small lots the expense of transfer was greater than if they were conveyed in the ordinary way. Under all the circumstances, it could hardly be a matter of surprise that the Act had been a failure. In his opinion, however, a simple remedy might be adopted, which would, to a considerable extent, supply the deficiencies of the Act of 1862, and remove the obstacles now placed in the way of registering titles. He would suggest that the Registrars should be authorized to deal with titles as titles were dealt with in practice, or, in other words, to grant a qualified certificate to the effect that the owner had made out a good title for 40 years or less, or a title subject to certain contingencies stated in the certificate. Under such a

Mr. Gregory

qualified title there could be no practical difficulty in selling the property. He hoped he had said enough to show the necessity for getting rid of existing difficulties in the way of the transfer of land. He had received a letter from a connection in Victoria, who said that the plan he proposed was almost identically the same as that which had been in operation in the colony since 1862, and which was regarded as a very great boon; indeed, auctioneers would not undertake the sale of land unless the vendor had one of the certificates, or would make it a condition of sale that he should obtain one. He thought that if a similar plan were adopted in this country, a similar success would result. Without entering upon other and larger questions, which would have to be discussed at a future time, he would remark that there was always in the market a sufficient quantity of land for intending purchasers. There were usually from 100,000 to 200,000 acres of land to be disposed of in lots to suit all classes of purchasers; but the tendency of small holders was rather to sell than to acquire, because money could be more profitably invested in trade than in land. Therefore, it need not be anticipated that any change in the law would make the ownership of land more popular. Nevertheless, it was true that great impediments were thrown in the way of the acquisition of land, particularly in small quantities, by the enormous expense, the difficulty, and the trouble that attended a transfer, and it was this aspect of the question only that he desired to raise. Although it might be thought otherwise, he believed that the members of the legal profession would not allow any personal considerations to stand in the way of any scheme which would have the effect of simplifying the title to, and the transfer of land, but they would promptly second any efforts made with that object; and he should like to have the assurance that some such plan as he had proposed would receive the support of the Government, if the subject were not dealt with by the Government themselves.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable that

further facilities should be afforded for the transfer of land."—(Mr. Gregory.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. WREN HOSKYNNS* said, he heartily wished that he could share in the hope of any practical improvement of the kind they really needed in the transfer of land, as likely to arise from the very modest suggestions of his hon. and learned Friend on the opposite benches. They had Commission after Commission, and Report after Report, but still nothing was done. Here was another Report, to which his hon. and learned Friend had referred, the last of four, itself seven and twenty pages in length, with nine pages more, a third of the original, made up of dissentient statements, signed by six out of the nine Commissioners! a pleasing prospect of the efficacy of those labours upon which their hopes of any improvement hung, in a matter upon which they now were compelled to take rank behind every other civilized nation of Europe—or of the world. This was shown by the "Land Tenure Returns," presented to the House of Commons the Session before last, which displayed the fact that in every nation of Europe but this land was now bought and sold with the utmost promptitude, cheapness, and simplicity; by the aid of a Government register, of the most absolute authority and compendious arrangement, and a map of ample scale and mathematical accuracy, upon which the boundaries were defined with minutest delineation. With those aids the sale and purchase of land were completed in the same time and with the same facility and certainty, as no country in the world exemplified better than our own, in every transaction connected with the purchase of stock, whatever its subject matter, ships, shares, cargoes, or Consols. His hon. and learned Friend's description of a sale of land with which he had treated the House reminded him of that given, not quite so seriously, by a still higher authority amongst conveyancers, Mr. Joshua Williams—

"Consider for a moment what it is that a man does when he simply signs a contract to sell a piece of land. By the law as it now stands he firmly binds himself, by implication, to do at his own expense the following things:—To make out at his own expense and deliver to the purchaser an abstract of all the title deeds, wills, and other documents affecting the premises for the last 60

years. It will not do for him to say to the purchaser—"Here are the deeds; take them and look at them yourself: or, if you please, let your lawyer look over them." No, the purchaser is entitled to an abstract. Having got his abstract, he is entitled to have that abstract verified by the production, at the vendor's expense, of every one of the title deeds. It frequently happens that many deeds are not in the custody of the vendor. No matter: he must find out where they are, and give the purchaser an opportunity of inspecting them. He must then verify, at his own expense, every event upon which the title has turned, the death of every tenant for life or life annuitant, the pedigree of every heir-at-law, and the names and members of every class of persons, such as children, on whom the property may have been settled. . . . The effect not unfrequently is to bring an honest vendor not fortunate enough to have had good legal advice into a very serious strait; and cases have occurred where purchasers have waived their strict rights on condition of getting the property for nothing."

Now, would it be seriously credited by the inhabitants of any other civilized country that such a state of things could really be in existence here! in a country commercially the most practical in Europe? His hon. and learned Friend had repeated the statement made by Lord Derby at Liverpool, that there was "plenty of land for sale in the newspapers." Of course, there was. There was plenty of everything for the rich; and plenty of land for those who could afford a costly lawyer's bill, and a kind of land-suit, not to say law-suit, of unlimited duration. But Lord Derby, and following him his hon. and learned Friend, had overlooked, in making that statement, the very essence of the question. It had never been denied that land was transferable enough, on a large scale, to wealthy purchasers, where the proof of "title," however protracted, took but 2 or 3 per cent, say a year's rent, from the cost price. But it was to the small purchaser—the man who wanted a few acres to build a house upon, or otherwise—that this foolish cost of "title," increasing inversely with the acreage—for one acre was as old as a thousand, when once the question of ancient "title" was admitted— forbade the purchase, by a tax rising to 6, to 10, to 20, to 26 per cent: as shown in the tables of Mr. Sweet, the conveyancer, printed in one of those very Reports alluded to. It was idle to say to the small capitalist—"There was land enough for sale," when he knew that to him the investment would be eaten up by the brokerage. Compare that with a purchase in the Three per Cents, whose

"beautiful simplicity" often brought to mind Adam Smith's profound aphorism that "the acquisition of wealth might make a nation rich; but it was the distribution of wealth that made a nation prosperous and happy." Their commercial interchange was perfect. The whole of the Funds mainly consisted of small sums under £2,000, and such was their freedom and elasticity of transfer that an amount equal to the whole of the National Debt changed hands, they were told on the best authority, in four years. How was it, he would ask the House, that in the face of such facilities as those, in the same country the practical smoothness and ease of whose mercantile action commanded the admiration of the world, they could still endure a barbarous stagnation in their land dealings, which had scared away the small capitalist, the very bulk of their savings bank, and even funded proprietors from the land market by a costly system of prohibitory charges and dilatory completion. It was made a subject of reproach against large proprietors that land was constantly aggregating in large and larger masses. The fault was not theirs. How could it be otherwise under our preposterous system of inverse cost of transfer? Try the same experiment on the funds; intercept the exchange of small investments in the Three per Cents by a process exactly analogous to that which affected the acreage of land in detail in this country, and how many small fundholders—the very class that constituted the bulk of investors—would remain in a dozen—how many in hundred—years? And that system has been going on in land for more than twice that period. The sellers had all sold—for sellers must sell—but the buyers had not bought, for buyers were not obliged to buy if the bargain looked untempting. And they knew what became of that stream which was always running out, but nothing running in. Could any one wonder that under such a system the land-proprietary of this kingdom should have diminished? And what had been the cause of that costly and dilatory transfer, stifling all the smaller purchases, say from £100 to £1,000? The answer was briefly but plainly indicated in the words of the Report under discussion—

"It is impossible," write the Commissioners, "to discuss any system for the more ready transfer of land without feeling that many impediments

which exist are owing to rules of law which permit landowners to make settlements of land for long periods, and do not provide any certain power to order the conversion of that land into money, however expedient such a course may be.'

It was in vain for his hon. and learned Friend to shrink from this question of lengthy entail and settlement. The language of the Commissioners' Report compelled their attention to that point as a cause of causes. Until the living generation had acquired a real interest in the land, and were freed from the double grasp of "the dead hand, and the unborn hand," as it had been truly called, he feared remedies such as those now proposed by him would fail. Too great a sub-division of the land was by no means desirable; it was detrimental to the system of agriculture most prevalent in this country. But the distribution of landed wealth, in the sense understood by political economy, should be as free as that of every other form of property, if possible, even more so, in so far as its possession was of all others the most conducive to a real and extended patriotism, "a stake in the country," among those classes in the State whose divorce from it lay at the root of the pauperism, the drunkenness and dissolute habits which sadly contrasted in this country with the habits of the corresponding class in other States, who were enabled to share in the cares and interests of proprietorship; as in Belgium, for instance, where the money here spent in drink was saved for the independent acquirement of land. He should be glad to see such a change as that, if not assisted, at least not obstructed by the operation of our law of Land Transfer. The demand was in fact no longer that land should be "as transferable as the Three per Cents," but as it was now in every other country of Europe.

MR. R. TORRENS said, that a considerable portion of his best days were spent in endeavouring to introduce into the Australian colonies a system of transferring land by means of the registration of title, which had effected there all the results so much desired to be brought about in this country. The success of that Act had, indeed, exceeded his own most sanguine hopes, as well as the expectations of those who had supported him. The great object in Australia was to establish a class of yeoman proprietors of land. The English system of con-

veyancing, however, caused great delay and expense, and was found to be an obstacle to attaining that end, and likewise hindered the progress of a new country. The principle of his measure was taken from the Shipping Law. There was no difficulty in transferring the largest interest in shipping: any merchant's clerk or shipbroker could do it with little delay and at small expense. The adoption of the new system in Australia had reduced the cost of the transfer of land literally from pounds to shillings, and the time occupied from weeks to hours. It had, at the same time, also substituted absolute and perfect safety in the place of insecurity, while it had enhanced the value of all the land in the country. One colony after another, seeing the great advantages derived from the system, had adopted it, and in all cases with the same satisfactory results. The failure in this country was said to be due to the old and complicated titles; but some of the Australian colonies were of 60 years' standing and upwards, and the transfer of landed property from hand to hand was so much more rapid there than here, that a title in Australia would accumulate in 10 years a greater amount of documentary evidence than a title of a century old in this country. In Ireland, under the Record of Titles Act and the Encumbered Estates Act, the Estates Court could, after advertisement, and in the absence of any adverse claim, give an indefeasible title, and the official mechanism and statutory forms for conducting subsequent dealings had been adopted from his (Mr. Torrens's) Australian Act; and yet in Ireland, as well as in England, this experiment had failed. Why had a system which had been so successful in Australia that it had been adopted in one colony after another, failed in England and Ireland? It could not be because of entails and extensive settlements, because under the system of registration of titles in Australia there had been sufficient experience of limited ownerships and equitable interests in land, and yet the transfer of land had been effected without any confusion, danger, delay, or loss. The first and main cause of the failure of Lord Westbury's Act was the attempt to blend together two systems of conveyancing which were antagonistic and inconsistent with each other—namely, the system of conveyancing by deeds and by registration of

it would be difficult to point out any distinction between them, so far as concerned the mode in which they could be effectually transferred and sold. The same thing was practically repeated in 1870, and yet nothing was done except the passing of an Act of Parliament, which was reported to be an utter failure. Such a state of matters was not creditable to Parliament. On the Continent no great difficulty was found in the registration of titles and deeds. Though the settlements of land might continue to be made as at present, there might be a register of title; and the transfer of title would be perfectly easy. That was a question not merely affecting the rich man, but it affected also poor people desirous of obtaining small pieces of land. It was said to be absurd for poor people to have small pieces of land. There ought not, however, to be any legal hindrance to their acquisition of them; and if there were any economical objection to the purchase of small pieces, the people might be left to find that out for themselves. He hoped that the present discussion would have the effect of spurring on the Government to attend to this matter with more energy than heretofore. The House spent a great deal of time on personal and party questions, and allowed great social questions to go by. He hoped before another year passed a good and broad system of registration would be introduced, and not merely such a measure as that suggested by the hon. and learned Member opposite (Mr. Gregory), for that was not large enough. What he desired was a larger, and, if he might say so, a more revolutionary measure.

MR. STAVELEY HILL said, he was decidedly of opinion that greater facilities for the transfer of land should be provided; but it was unnecessary that the whole system of land transfer should be revolutionized in order to effect it. He could not concur with the hon. Member who had last spoken (Mr. W. Fowler) in condemning Lord Westbury's Land Transfer Act, which he thought one of the most useful measures that had been passed during the last 16 years, and one that would work satisfactorily if it were amended so as to remove the difficulties which impeded its usefulness.

Amendment, by leave, withdrawn.

Mr. W. Fowler

NAVY—THE WOODEN IRON-CLADS.

OBSERVATIONS.

SIR JOHN HAY: Sir, I rise, according to Notice, to call attention to the condition of the wooden iron-clads of the Navy. I trust that before I proceed some representative of the Admiralty Department may present himself, as I should be sorry to make the remarks which I shall feel it my duty to make in the absence of the right hon. Gentleman the First Lord of the Admiralty, and yet after the reply the right hon. Gentleman thought it his duty to make, in reply to my Question of yesterday, I cannot allow the present opportunity to pass without either affording him the opportunity of allaying the alarm which his reply tended to create, or of myself giving such information as I possess on the subject. Any information which I can give the House must, as being without official authority, be necessarily imperfect. I am glad, however, to see that the right hon. Gentleman has now arrived, and shall proceed with my statement. I took the liberty yesterday of asking the right hon. Gentleman, Whether one of these iron-clads, the *Prince Consort*, on her recent examination, had shown serious symptoms of decay; and whether there was any apprehension that the *Ocean*, *Royal Oak*, *Caledonia*, *Royal Alfred*, and *Zealous* might also be equally defective? To this Question the right hon. Gentleman vouchsafed me no reply, and this House not much information. He favoured us with an epithet and an enigma. With regard to the epithet I will make this remark—the right hon. Gentleman said the Question was characteristic of the Questioner. That may be taken in two different ways. He may have meant that it was characteristic of me as one of the few naval officers now in this House—only seven hon. Members now, I think—who have had any relation to the Navy. In that case, I can only tell him that I believe it to be the duty of each one of us, on all subjects connected with that profession, to make the closest inquiries as to the mode in which it is administered; and, for my part, I shall not be deterred from doing that which I believe is expected of us, not only by our constituents, but by this House. The right hon. Gentleman may, however, mean that the Question is an inconvenient one

to answer. Well, to that I can only reply, that the only Question I remember to have asked of an inconvenient character was one concerning the *Megara*, and I leave the House to judge whether on that occasion the right hon. Gentleman or I seemed the better informed. I now desire again to put the Question which I had the honour of addressing to the right hon. Gentleman yesterday, in order to give him an opportunity of replying to it more fully, and of setting at rest the anxieties that the right hon. Gentleman's speculative opinions might have evoked. I do not intend to make any inquiry with respect to the *Lord Warden*. She is a ship of a recent date, and I believe is a thoroughly good ship, but I am especially anxious to learn the right hon. Gentleman's opinion of the six ships to which I alluded in my Question of yesterday. These six ships were completed under Lord Palmerston's Government when the right hon. Gentleman at the head of Her Majesty's Government was Chancellor of the Exchequer. They were wooden line-of-battle ships, enlarged, altered, and iron-plated, and were not expected to be long-lived. They were confessedly step-gaps, though extremely useful for the purpose for which they were built. They have done their work well, but it is time they were replaced. My Question has reference to the way in which they are to be replaced. For it is notorious that Her Majesty's Government have stopped all useful shipbuilding, and have done nothing to replace these useful but decaying ships. I will shortly state my opinion of these ships which the right hon. Gentleman the First Lord failed to give yesterday, and leave him to correct my imperfect statement, if he can do so. These ships have been constantly in commission for 10 years, and at present four are in commission and two at home. Of the two in reserve at home the *Royal Oak* has, I believe, had a thorough repair, and may be considered fit for service, if required. The *Prince Consort* is also at home and under survey. I am credibly informed that her condition is most unsatisfactory. The bolts which fasten on her armour-plates were originally 2½ inches thick; they pass through the armour-plates and the oak of which the ship is built. If iron bolts pass through teak, the iron bolt lasts for ever; but in these ships

the plates are bolted through to oak, and the gallic acid has reduced them till they are quite untrustworthy. The timbers and planking I am also credibly informed are very rotten and decayed; and I am told that not less than £80,000 is required to make the *Prince Consort* fit for service. I shall object to any such expenditure. Ships should have been laid down long ago to replace ships of such a temporary character, and it will be monstrous to incur such an expenditure on a ship so imperfect as the *Prince Consort*. As to the *Caledonia* I know little of her. She has been and is close to Malta Dockyard, and has, I believe, received so extensive a repair as to leave no doubt that she is fit for her present service. I hope she will prove a useful ship as long as she lasts, though I fear that will not be long. Of the *Royal Alfred* I have no information. Perhaps the right hon. Gentleman will give us some opinion, not speculative. If the right hon. Gentleman says she is a good and safe ship, I will take his word for it, but we want facts and not speculative opinions. If not a good ship she should at once be replaced by another. The next ship that I shall ask about is the *Zealous*. I was informed by a friend of mine that she had been in dock at San Francisco, and that her repair has been so thorough as to leave no doubt that she is available for any service that may be required; but it would have been more satisfactory if the right hon. Gentleman had assured the House of her soundness, rather than have left them to find it out from the information of a private Member. The one ship whose condition I have good reason to doubt is the *Ocean*. The *Ocean* has been six years in commission, and grave doubts have been reported to the Admiralty of her condition. She is of too great draught to come through the Suez Canal, and is at present, I believe, on her way home round the Cape of Good Hope. Her timbers have shown symptoms of unsoundness, and the condition of her contemporary, the *Prince Consort*, leaves grave doubts whether she will ever again be a useful ship; but I do not anticipate in the summer cruise she is now making any danger to those on board her. She has been surveyed by accomplished officers in the East, and they would not have imperilled the lives of her crew had any suspicion been en-

tained of her unseaworthiness. I therefore make no charge against the right hon. Gentleman, excepting as regards the fact that he has made no provision to replace these wooden iron-clads; but this I will say, that the right hon. Gentleman's reply—if it can be called a reply—to me yesterday was unworthy of a Minister of the Crown. Does he remember that 2,400 persons are embarked in these four ships, and that instead of at once assuring the House of the seaworthiness of these ships, which had been so gravely doubted in consequence of the survey of the *Prince Consort*, he contents himself with declining to express any "speculative opinion" as to their safety, and leads this House to believe that he is ignorant of their condition? I trust that when the Navy Estimates are laid on the Table, we shall find they are to be replaced by other ships of a better and more enduring character.

MR. GOSCHEN said, he did not see why the hon. and gallant Baronet the Member for Stamford (Sir John Hay) should complain of a Question of his being called characteristic. The hon. and gallant Baronet seemed to think that some personal attack was intended, but nothing of the kind was meant. He (Mr. Goschen), however, saw a tendency on the part of the hon. and gallant Baronet, such as he had often observed before, to make general and painful inquiries, detrimental to the character of ships whose reputation was dear to the Admiralty. The ships to which the hon. and gallant Baronet referred were not built under the present Administration, who were not, therefore, specially responsible for them; but they were built when the Admiralty was presided over by a noble Duke, who spent more millions of money in building ships than any other First Lord, and now said that the ships were not capable of swimming. He felt that there was no party attack whatsoever in the Question which had been put by the hon. and gallant Baronet; but when sweeping Questions were asked, calculated to create alarm in the mind of the public, not only the character of the ships themselves, but the apprehension which might be caused to those who had relatives on board them, must not be lost sight of. He could assure the hon. and gallant Baronet that there was nothing like temper in the

answer which he had given him. The reputation of our ships was almost as delicate as that of a woman, and the mode in which the Question was put might, it appeared, create unnecessary alarm, which, in his opinion, it was not wise to create. The hon. and gallant Baronet had alluded to the *Megara*, and considering that he had sent that vessel to Ascension, after the report which he had received with respect to the thinness of her water-plates, he did not think the hon. and gallant Baronet was precisely the person who would have raised any Question with reference to her in that House. The hon. and gallant Baronet must, no doubt, have felt, as he (Mr. Goschen) felt, with regard to the *Megara*, and he should not have alluded to her had not the question about her been raised. The hon. and gallant Baronet took a great interest in the Navy, and the time might possibly come when he might be more responsible for that service than he was at present. When that time arrived, he should endeavour to assist the hon. and gallant Baronet in supporting the reputation of our ships, and, instead of making sweeping assertions with respect to them, would go to him privately and ask him whether he had heard that anything was wrong with any one of them, instead of making speculative inquiries, calculated to excite alarm in numerous families throughout the country. He would now proceed to answer in detail some of the points to which the hon. and gallant Baronet had called his attention. The Question which had been put to him seemed to lead to the impression that all the ships which he had mentioned were labouring under one and the same kind of defect. These ships were the *Ocean*, the *Prince Consort*, the *Royal Oak*, the *Royal Alfred*, the *Zealous*, and the *Caledonia*. Now, the *Ocean* was at present on her way home. There were certain defects in her, it was true; but they had nothing to do, so far as he was aware, with the decay of her timbers. The defect in her was, that the metal sheathing at the bottom had given way in a great many places, and it was considered that, as she drew too much water to be docked in China, and as it was necessary that she should be docked, in order to replace the sheathing, it was desirable she should come home for repairs. The defect, however, was in no way connected with her tim-

Sir John Hay

bers, or her structural strength. A further defect had also been detected since, and that was that the caulking of the ship seemed to be defective in several respects. The ship, however, had been surveyed by the officers at the direction of the Admiral Commanding-in-Chief at the station, and it was their opinion that she might, with all safety, return home. He trusted, therefore, that the Question which had been put to him, as well as the answer, would cause no anxiety, because, as the hon. and gallant Baronet had said, the character of the officers of the ship was such that they would not say she could safely come back unless she was in a condition to do so. It would, at the same time, be to give merely a speculative opinion to pronounce what her actual condition was until she was docked. As to the *Royal Alfred*, he knew nothing to lead him to consider her as being anything but an effective ship. The time had come when she was to be replaced in the course of the next financial year, and when she arrived in dock an opinion could be passed upon her. But now that she was in North American waters it would be merely a speculative opinion to say how she stood until she was stripped and examined. All he could say was that he had heard nothing which induced him to fear with respect to the *Royal Alfred*. She was a newer ship than the *Prince Consort*, or the *Caledonia*. He came, in the next place to the *Zealous*. In her case there was an indication of rot in some of the timbers in 1869. The officers of the ship, however, reported that it was only to a slight extent, and that they would keep an eye on its progress. Since then nothing further had been heard with regard to the increase of the decay. The *Zealous* would remain at her station till the end of the year, and he had no doubt, if her services were required, that she would be perfectly available for any demand which might be made upon her in the course of the year. She was at present on the Pacific station, and a ship would soon be sent out to relieve her, and when towards the end of the year she was relieved, she would be ordered home. The *Prince Consort*, as he had informed the hon. and gallant Baronet on the previous evening, was still under survey, and no report as to her exact condition had been received. Mr. Barnaby had seen her

himself, and had told him some facts connected with her. There was no doubt that the inside planking of the ship, and the timbers to a certain extent, were in a state of decay, and that to repair her would be a most expensive process. But as to the question of her bolts, to which the hon. and gallant Baronet had alluded, he was evidently in the same position in which he had been on several former occasions—that was to say, he had received the reports of the local officers before they had reached the Admiralty. He, at all events, had received no such reports as those which had been referred to with regard to her bolts. There was also another remarkable circumstance connected with the repairs of the *Prince Consort*. He had consulted Mr. Barnaby that very day as to the amount which would be necessary for her repairs, and had heard it stated that it would be £80,000. He asked him how he had come to that conclusion, inasmuch as the ship had not yet been surveyed. The hon. and gallant Baronet, too, gave that precise sum, and he should like to know how he got the figure. It did not come from the Devonport officers. They had made no suggestion on the subject, or, if they had, they had not communicated it to the Admiralty. Mr. Barnaby, having been asked how he arrived at the sum of £80,000, said that in framing the estimate for the next year they had been pressed as to how much was likely to be spent on each of those ships, and that they thought £80,000 was about the right sum. He (Mr. Goschen) would repeat that he should very much like to know how the hon. and gallant Baronet came by that information. Perhaps the right hon. Gentleman the Member for Tyrone (Mr. Corry) who sat next to him could inform the House. [Mr. CORRY: I do not know.] It was strange that the hon. and gallant Baronet should have hit upon the precise figure that had with difficulty been extracted from Mr. Barnaby; but it was quite clear, at all events, from the fact that the hon. and gallant Baronet knew the figure, that he was likely to have from him a very searching criticism, and that he was very well up in his facts. The hon. and gallant Baronet was anxious to receive information from him, while he himself was evidently running over with infor-

mation, and, no doubt, officers in the exercise of their duty had been furnishing him with information. But, be that as it might, the hon. and gallant Baronet was right in supposing that it would cost a very large sum to repair the *Prince Consort*, and it was a question which must, under the circumstances, be carefully considered whether she was worth repairing or not. Upon that point he must be allowed not to express any opinion until the vessel had been accurately surveyed, and to be allowed not to say what should be done before he had proper information on the subject. All he would say was, that if it was necessary to utilize those ships, he hoped that the *Prince Consort* was not in such a state as not to be able to do excellent service if required. Notwithstanding the doubt which had been thrown upon so many of our ships, still, as compared with the ships of other nations, they were in such a condition that they could be made very available. He spoke not to make a mere party answer, but because he was conscientiously jealous lest anything said should tend to weaken the idea of the public in the power of the British Navy. It should be borne in mind that wooden ships cased in iron were not so long-lived as the iron-clads, and the advantage the country derived from that circumstance was enormous, because with us the exception was to have wooden ships cased with iron, whereas with Continental nations they were the rule. In the French Navy, for instance, as regarded iron-clads, there were only five real iron ships, the whole of the rest being wooden ships cased in iron. Thus far, therefore, we were in an infinitely better position than our neighbours. The last of the vessels to which the hon. and gallant Baronet alluded was, he believed, the *Caledonia*. She was at present in the Mediterranean, performing an interesting service connected with some antiquities for the British Museum. She had just been engaged in bringing marbles from Smyrna. Of all our wooden ships she was the one about which, after the *Prince Consort*, there was the most anxiety. The timbers of the *Caledonia* were not in a satisfactory condition. She was seaworthy, and able to do service at the present time, if required; but unless large sums were spent in their repair, the *Caledonia* and the *Prince Consort* were

not likely to render much service for the future. The hon. and gallant Baronet might twit him about the *Megæra*, and knew he was likely to feel it; but though he did not want to suppress the facts, and when asked point blank what the defects of Her Majesty's ships were, he would state the facts, he did not approve of exposing to the public gaze every defect in the condition of Her Majesty's ships.

MR. CORRY said, he had not understood the epithet that had been applied to the Question of his hon. and gallant Friend the Member for Stamford (Sir John Hay) in a complimentary sense, such as he was willing to accept, for he must say that he took it to be what was called a "snub," and to be hardly consistent with the courtesy which they had the right to expect from Ministers of the Crown. He would not say a word as to the condition of any of the ships which had been mentioned except the *Ocean*; but he must say that for the sake of economy, the present Board of Admiralty had adopted a practice which he did not consider consistent with prudence. Instead of re-calling ships to England to be properly surveyed, after being paid off, and prepared for a new commission on the expiration of their term of service, the Admiralty sent out a new complement, new sails, and other perishable stores, and re-commissioned the vessels on foreign stations. The *Ocean*, on the China station, was treated in this way, and a line-of-battle ship fitted out for the conveyance of her new ship's company; but shortly afterwards it became necessary to order her home for repairs, so that instead of economy there was a great loss. The *Ocean* was commissioned in June, 1866. He was not then at the Admiralty, but soon after his appointment, in 1867, there occurred a difficulty with Spain, which had a powerful armour-clad vessel in China, and he took the responsibility of sending the *Ocean* from the Mediterranean to reinforce the China Squadron. She made a successful voyage out, in spite of bad weather; but if he had remained at the Admiralty he should have thought 1870, or at the outside the beginning of 1871, the longest period the *Ocean* should have been allowed to remain without what was called before the *Megæra* Commission an exhaustive survey. The life of a boiler was hardly

Mr. Goschen

long enough to last out two commissions; and another objection to the new system was that, whereas in the case of war, after a ship had been three or four years upon a station she could still render service upon an emergency, now after seven or eight years' service a war would find her with her boilers ready to burst, and almost on her last legs for want of repairs. There was also an objection to the new system on moral grounds, for by ordering home the ship's company and leaving their ship behind them, you weakened the *esprit de corps* of the Navy. Officers and crews took pride in their ships, and liked to bring them home in the best possible order, to be inspected by the admiral, and reported to headquarters as being in a satisfactory condition; but now a captain was apt to think, "What is the use of getting my ship into first-rate order, when another captain will come out and take the credit of it?" The new system was supported by the late Controller, but he had good reason for believing that Sir Spencer Robinson had since changed his mind upon this subject. The right hon. Gentleman the First Lord of the Admiralty, after being what he called twitted with respect to the *Megara*, retorted by saying that his hon. and gallant Friend had himself sent her on a voyage. Now, there was a great difference between sending such a ship to Ascension and sending her round the Cape to Australia; and the right hon. Gentleman forgot this material fact—that when his hon. and gallant Friend ordered the *Megara* to Ascension, she had not run for the two years during which Mr. Reed had reported she was fit for sea. [Mr. GOSCHEN: The hon. and gallant Gentleman was not then cognizant of Mr. Reed's Report.] He believed the right hon. Gentleman was mistaken on this point; but, even assuming that he had no knowledge of the Report, there was a great and an obvious difference—as the right hon. Gentleman would know when he had been longer at the Admiralty—between sending a ship to Ascension in 1868 and sending her to Australia three years afterwards, the ship, in the meantime, not having undergone any extensive repairs.

MR. SAMUDA thought the public should understand that these iron-cased wooden vessels, which were adapted in

1860, when the necessities of the country were great, and its power of production was small, had really done good service, and had lasted quite as long as was expected. It was originally said that if they lasted for only six or seven years that was as much as could be expected, and, therefore, the country had obtained full value for its money, while, if they were considered as experiments, no one could deny that they had not been successful in a very great degree. Considering, therefore, that they had long outlasted the period originally contemplated, it could be no great matter of surprise if a large sum of money were required to be spent upon them, to perpetuate, as it were, their existence.

Original Question, "That Mr. Speaker do now leave the Chair," by leave, withdrawn.

Committee deferred till Monday next.

REFORMATORY AND INDUSTRIAL SCHOOLS BILL.—[BILL 25.]

(*Mr. John Talbot, Viscount Mahon, Mr. Cowper.*)

SECOND READING.

Order for Second Reading read.

MR. J. G. TALBOT, in moving that the Bill be now read a second time, said, that its object was to extend the provisions of a very useful measure, by enabling the prison authorities to send youthful criminals to such institutions, in cases in which they possessed no power to do so at present. This Bill was rendered more than ever necessary in consequence of the power given to school boards to establish, build, and maintain certified industrial schools. It was therefore only reasonable that the prison authorities in counties and boroughs should have the same power as that given to the school boards under the Education Act. The Prevention of Crime Act also contained a clause, giving power to send the children of women twice convicted, and having no other parent or proper guardian, to industrial schools, providing they were under 14; and to show the great good that had resulted from the establishment of such institutions, he would quote from the last Report by the Inspectors of Reformatory and Industrial Schools, wherein it was stated that—

"All the boys discharged from Cardiff, Surrey, Aberdeen, and Ayr Industrial Schools, and all of

the girls discharged from Newtonstewart and Kilmarnock Industrial Schools in 1867-8-9, were doing well to the end of 1870."

That was by itself a very encouraging result. Of course there were schools in which the results were less satisfactory; but, on the whole, these schools were doing a most useful work, and he hoped the House would give the additional powers with respect to them sought by the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. John Talbot.)

MR. BRUCE, in reply, said, he had no objection to the Bill, thinking it quite right that the power of erecting these schools should be extended to places where there were no school boards. It would also tend to remedy the present defect of these schools, that they depended too much on Imperial and too little on local contributions. These institutions were working well, and with the Habitual Criminals Act at the other end of the scale, was having a striking and almost unexpected effect in diminishing the number of inveterate criminals, the most experienced Judges having remarked at the recent assizes, that they had never known so few persons tried for repeated offences. It was satisfactory to find, amid some darker features of the times, that efforts for improving the character of the people and diminishing crime were having a good effect.

Motion agreed to.

Bill read a second time, and committed for Friday next.

PUBLIC PROSECUTORS BILL—[BILL 28.]

(Mr. Spencer Walpole, Mr. Russell Gurney,
Mr. Eykyn, Mr. Rathbone.)

SECOND READING.

Order for Second Reading read.

MR. SPENCER WALPOLE, in moving that the Bill be now read a second time, said, that its object was to supply a want which had been long felt—namely, that of a public prosecutor. The great advantage of having a public prosecutor, instead of leaving the prosecution of crime in the hands of private individuals, was so often insisted upon by the highest authorities in the land,

Mr. J. G. Talbot

that the wonder was that the want of such a public officer had so long remained a reproach to our law, and a serious obstacle to the administration of justice. In that respect our criminal justice was very defective. There had hitherto been so much irregularity, and not unfrequently so much negligence and collusion, in connection with the prosecution of crime that it might be said the law had been left to take its chance. When they considered the inconvenience, the trouble, and the expense which were thrown upon private parties, by relegating to them the duty that belonged to the State, nobody could be surprised when they found that prosecutions were not carried on, even in cases where the offender was known; and that in many cases also, where they were carried on, convictions did not follow, in consequence of the imperfect manner in which the cases were got up. According to the judicial statistics, between 50,000 and 60,000 indictable offences were annually reported by the police as having been committed. Of that number not more than 26,000 were brought before justices. Of the criminals apprehended, certainly about one-fourth were not committed for trial; and of those who were committed for trial, one-fourth more escaped for want of evidence, or from some neglect or defect in conducting the prosecution in a proper manner. The general result was, that out of those 50,000 or 60,000 indictable offences, only 13,000 criminals were convicted last year. And so it may be said that impunity for crime was almost the rule, and punishment the exception. With these facts before them, he could not doubt that the House would resolve to try to meet the evil, provided a measure could be adopted or could be suggested which would be suitable and well adapted for the purpose. He knew there was a difficulty in the case; but he would not shirk that difficulty. He had brought in the Bill with the full concurrence of the right hon. and learned Gentleman the Recorder of the City of London (Mr. Russell Gurney), and other high authorities, whose names were on the back of the Bill, and he believed that the machinery it provided was efficient; but, at the same time, he might say that the provisions and machinery of the Bill would require close investigation in order to be satisfied that they would

adequately meet the difficulties that existed. The main provisions of the Bill were, that on the recommendation of the county and city or burgh justices, a public prosecutor should be appointed to conduct the prosecutions that arose within the different districts to be constituted by the Secretary of State, whose duties would ordinarily commence after the accused had been committed for trial; but in difficult and important cases it would be in the power of the public prosecutor to intervene by the direction of the Attorney General, or of the magistrates before commitment, with power to the public prosecutor of consulting one of three advising counsel as to the mode in which the particular prosecution should be carried on; and where the public prosecutor declined to act, or, having undertaken to act, had withdrawn, the private prosecutor should be at liberty to proceed as he might think best. He heartily concurred in the objection that was raised last year by the hon. and learned Member for Ipswich (Mr. West) to leaving the power of prosecution in the hands of the police. That would, indeed, be a serious evil, but this Bill would discriminate between the functions discharged by the police and those discharged by the public prosecutor. The functions of the former would be confined to the detection of crime, and those of the latter to getting up the evidence and preparing the case, and seeing that the prosecution was properly conducted. A second objection was that it would increase the patronage of the Crown; but the provisions of the Bill carefully met that objection by enacting that no one should be appointed to the office of public prosecutor except on the recommendation of the county magistrates or of the civic authorities in cities and boroughs. A third objection was, that it might exercise an injurious influence upon the independence of the Bar; but under this measure young barristers would have the same opportunities as under the present system, since the public prosecutor would distribute briefs in the same way as the town clerks and the clerks of the peace at present did, where the prosecution was not in the hands of private parties. The fourth objection was, that although a public prosecutor was required for the metropolis and the large towns, the same reasons did not apply to the coun-

try districts, and that, therefore, the Bill should be confined to the towns; but he found from the statistics that in the country districts 24 per cent of the prosecutions failed from the causes he had referred to. The last and most serious objection was the expense; but so far as he had been able to ascertain, he did not believe that the present expenses would be materially increased by the appointment of a public prosecutor; but on that point he would defer expressing any further opinion until the inquiry the Government had instituted on that head was completed. A public prosecutor was required for England as much as for Scotland and Ireland; and it appeared to him that the gap which had been left between the reformatory and industrial institutions and the Habitual Criminals Act would have to be filled up by taking care that they should not have in futuro such a vast disproportion between the number of crimes committed and the number of persons brought to justice. If the Bill were read a second time, he would wait until the right hon. and learned Gentleman the Recorder was present himself to take charge of it, and with that view would name a distant day for its commitment, so as to give every hon. Member interested in the subject a full opportunity of suggesting Amendments or expressing in Committee his views upon it.

MR. WEST said, he fully appreciated the reason for the right hon. Gentleman opposite (Mr. S. Walpole) bringing forward this Bill, in order that when the right hon. and learned Gentleman the Recorder, who was now absent on the important business of his country, returned, he might find the measure in the same position in which it was left at the close of last Session. Therefore, he would not at present offer any opposition to the second reading of the Bill; but such opposition as was in his power to give he would reserve until the Motion was made for going into Committee. Unfortunately, he belonged to the low and degraded portion of the legal profession which had to do with the criminal law, and he was somewhat startled at hearing some of the right hon. Gentleman's propositions. Under the Bill, as it now stood, the hon. and learned Gentleman the Attorney General would have, as he now had in Mint cases, the

patronage of every prosecution at assizes and sessions throughout the country. The Attorney General was to be the master of every prosecution, and was to instruct the attorneys in each district. There would probably be some 650 of these officers, and they were to receive a salary of £1,000 each. ["No, no!"] That would certainly be the case under the powers of the Bill if every petty sessional division in England was to have a public prosecutor, and if the salary of £1,000 was to be given in accordance with the recommendation of the Select Committee which formerly sat on the subject. It was therefore obvious that the patronage to be conferred upon the Government would be enormous in these matters. With regard to indictable offences to be prosecuted, that was the main objection to the Bill, for it did not deal with those offences at all. If they appointed a public prosecutor, such as Scotland and France had, one who conducted the proceedings from the time of the commission of the offence, they would get a useful officer; but under this measure the prosecutor would not come into play until after the criminal was committed for trial by the magistrates. In his experience, nearly all the failures of justice occurred before the prisoner was committed, not after. He regarded the measure as ill-adapted for the more efficient conduct of criminal prosecutions, and on that general ground he should oppose it on going into Committee.

MR. STRAIGHT said, at the outset, he must express surprise, after all that had been said as to the vast importance of this subject, that so few hon. Members were present on that occasion to discuss the Bill now before the House. Differing from the hon. and learned Gentleman opposite (Mr. West), he did not think that the failures in obtaining convictions occurred because the public prosecutor did not step in prior to the committal of the criminal by the magistrate. At any rate, that was his own opinion, based upon experience. He confessed he was startled at the statement of the hon. and learned Gentleman that something like 650 petty session prosecutors would have to be appointed under this Bill, at the salary of £1,000 each, for he had himself entertained strong views as to the expense which the passing of a Bill like this would entail upon the country. With

Mr. West

regard to the history of the measure, it was originated by the hon. Member for Windsor (Mr. Eykyn), though it was difficult to tell what particular experience in the administration of criminal justice that hon. Member had had. It had been originally submitted to a Select Committee that it might be made a good Bill, but they made a bad one of it. Then it was fostered by his right hon. and learned Friend the Recorder, and now the right hon. Member for Cambridge (Mr. S. Walpole) had taken it up, in the absence of the Recorder, and lent it the sanction of his name. He could not understand how the right hon. Gentleman could have been induced to put his name on the back of a Bill of this character. Many persons spoke about the appointment of a public prosecutor merely for the sentiment of the thing. For his part, he admitted that it was desirable to have such an officer, provided the appointment was put on a proper footing. In principle, it was certainly desirable; but when we came to put the principle into practice, and to consider the question of expense, the Chancellor of the Exchequer would, he fancied, be alarmed at the enormous cost likely to be entailed upon the country. He was much surprised at the observation of the right hon. Gentleman that the present state of things led to a failure of justice. He believed that that was an impression founded on exaggerated statements in articles and reports in the newspapers. The assertion was certainly not confirmed by what the right hon. Gentleman had said that night. He did not wish to deal then at greater length with the details of the Bill, as they would have the opportunity of doing that in Committee; but he wished to give Notice that he should take every opportunity of offering the measure his decided opposition.

MR. LEEMAN said, that last year, when a similar Bill was before the House, he had stated that it was his intention to propose, on its going into Committee, that it should be confined to the Central Criminal Court; that intention he should persist in on the present occasion. The great necessity for a public prosecutor was in London, and there had been no evidence given before any Committee which had sat on that subject to justify the appointment of public prosecutors throughout the kingdom. The great

crimes which had led to the demand for such a change had mainly occurred in the metropolis; and there was no necessity for putting the counties or boroughs in the country to the immense expense which its adoption in them must occasion, for it was idle to say the cost would not be large if the Bill was to have any practical effect. Unless the public prosecutor in a county was prepared to attend the different petty sessions, the use of him would be *nil*; but the Bill assumed that this officer was only to be brought into action after an accused person had been committed or bailed. The measure was not a merely permissive one, but was imperative in its provisions; and, although it might be very well to try the experiment of having a public prosecutor in London, if the people of London wished it, let them not force it upon the provincial counties and boroughs, which, to use a Yorkshire phrase, had no more use for it than a cow had for a watch-pocket.

MR. BRUCE said, he would remind the House that nobody had ever supposed that the Bill would pass through the House without the strong opposition of many of the legal Members; but, on the other hand, no one could deny that, in the opinion of the highest judicial authorities of the land, the present system was faulty, and the necessity for a public prosecutor was a real and a serious one. The Bill might not be perfect, but he believed that it contained the elements of a great and useful reform. There was no contradiction between the statements he had just made on the previous Bill and those of the right hon. Gentleman (Mr. S. Walpole.) He repeated what had been already said, that independent of the increase in the population, the absolute number of crimes in England and Wales had diminished, that the proportion of apprehensions to crimes had increased, and that the proportion of convictions to apprehensions had also increased. This was in itself a satisfactory state of things; but still there was a large margin for improvement. Even at their best the English statistics, in these respects, could not compare with those of Scotland, a fact which might fairly be attributed to the fact that in Scotland there was a public prosecutor, whereas in England there was none. With regard to the cost, he had caused a

most careful inquiry to be conducted by the best authorities, and he hoped before the House went into Committee on the Bill to lay the results before them; but he was in a position already to say that he had no reason to apprehend that there would be any great increase in the cost of prosecution, while he hoped that there would be a considerable increase in the efficiency with which they were conducted.

MR. EYKYN, in answer to the taunt thrown out by the hon. and learned Member for Shrewsbury (Mr. Straight), said he must deny that he had shown any precipitancy in bringing that matter forward in a previous Session. The highest judicial authorities had pronounced the appointment of a public prosecutor to be an almost absolute necessity. He congratulated the right hon. Gentleman (Mr. S. Walpole) on having brought in the Bill, and also the Government on amply redeeming their pledges to support it, which they would hardly do if it were likely to entail the expense of which they had heard such exaggerated estimates.

MR. WHEELHOUSE said, he could endorse the observations of the hon. and learned Member for York (Mr. Leeman), and might add that, having had some experience both of the system of a *quasi* public prosecutor in Leeds and of open prosecutions in the rest of the Riding, he could state that there was no advantage in the former over the latter. If public prosecutors were to be appointed by the town councils, those offices would become mere political appointments.

Motion agreed to.

Bill read a second time, and committed for Friday next.

PUBLIC HEALTH BILL.

LEAVE. FIRST READING.

MR. STANSFIELD, in moving for leave to introduce a Bill to amend the Law relating to Public Health, said, that he thought the House would concur in the purport of the measure, for it was the logical and anticipated consequence of the Local Government Bill of last year. That Bill, as the House must be aware, consolidated into one public Department the old Poor Law Board, the

Local Government Act Office, and the Medical Department of the Privy Council, and thus consolidated into one public Department the supreme administrative supervision of the laws relating to poverty and to health, and it now became his duty to ask leave of the House to introduce a Bill the object of which was to take a further step in the same direction, by giving to some one body in each district the power of dealing with local sanitary matters, and by giving them new powers. The Bill was a sanitary Bill, and nothing more. It dealt with no other questions, and it was founded upon the Report of the Sanitary Commission, which he had carefully studied and in the main followed in drawing up the measure. That Commission, whose Report was a storehouse of information and suggestion on the subject, had sat for two years, and it was composed of 21 members, nine of whom were Members of that House, and every credit should be given to them for having endeavoured to promote the great object which they had at heart. Indeed, he might say that if he had desired to be original in treating the subject he would have found it extremely difficult to travel outside the recommendations and suggestions put forward by the Commission. He had also found occasion to consult the Report of the Rivers Pollution Commission in reference to the Bill. The Sanitary Commission Report contained a series of 38 resolutions, the first of which was to the effect that it was possible at the same time to amend the law and to consolidate it in one legislative enactment. It would, of course, be impossible to deny that such an object was a desirable one, if it were possible to carry it out; but he had to state that after giving very ample and careful consideration to that recommendation of the Commissioners, he had not felt himself justified in proposing to undertake so heavy a legislative task. The House would easily understand that at a time when the law was being amended, it might not be desirable to attempt to consolidate it. The right hon. Gentleman (Sir Charles Adderley) who had presided over the Commission, had last year introduced a measure the object of which was not only to amend the law, but to consolidate it also, and that Bill had contained 450 clauses, whereas the measure he (Mr. Stansfeld) asked leave to introduce only

contained 80 odd clauses, and he thought that he was justified in confining it to such modest and unambitious proportions. The next point to which he wished to allude was the proposal to establish County Boards, which, although not referred to in the recommendations of the Commission, had found a place in the Bill brought in last year by the right hon. Gentleman the present First Lord of the Admiralty. As far as his own personal opinion was concerned, he desired to take that opportunity of saying that he looked upon that conception favourably, and to express his conviction that, sooner or later, the country would be anxious to have Boards of that description to undertake the finance of justice, law, and police, and other administrative functions of a sanitary nature—conservancy of rivers and the maintenance of highways. But there were at present practical difficulties in the way of adopting the proposal. If County Boards were to take the place of existing local bodies, it would be necessary that the difficulty arising out of the want of harmony between the areas of parishes and counties should be rectified. That would be a matter of considerable difficulty, and it could not be satisfactorily disposed of except through the medium of a Committee of the House to be followed by something in the nature of a Boundary Commission. He did not, however, think it was either desirable or practicable, just at this moment, to establish County Boards. One object of the Bill was the reconstruction of the local sanitary authorities, and the other was the investing them with new sanitary powers. Of the two, he regarded the reconstruction of the sanitary authorities as the one of the greater importance. The Sanitary Acts might be divided into two classes—those which affected the sanitary authorities, whom they in future proposed to call urban, and those which applied to the country at large. The urban Acts were the Public Health Act of 1848, and the Local Government Acts of 1858, 1861 and 1863. The Nuisance Removal and the Sewage Utilization Acts contained such very large and comprehensive powers that for whatever failure or laxity of sanitary administration there had been, they must look to something more than the absence of power for an explanation. The first important Nuisance Removal

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Act to which he need refer was the Act of 1855, which defined a nuisance, among other things, to be any premises so kept as to be a nuisance or injurious to health. Power was given, too, among other things, for the appointment of sanitary inspectors, to seize unwholesome food, and to prevent overcrowding. The Nuisances Removal Act of 1855 was followed by similar Acts in 1860, 1863, and 1866, and under these Acts the definitions of nuisances were enlarged, powers were given for cleansing houses, for providing ambulances, for the removal of the infected to hospitals, for the disinfection of clothing, and for the establishment of mortuaries for the reception of the dead. On the other hand, the Sewage Utilization Acts of 1865, 1866, 1867, and 1868 gave powers for the construction of sewers, to provide a supply of water for the inhabitants of different localities, to invest the local authority with the power of taking legal proceedings to prevent the pollution of streams, to provide hospitals for the reception of the sick, and, among other things, in cases of emergency, to furnish medicine and medical attendance for the benefit of the poorer classes of the population. The authorities on whom these powers were conferred were the vestries, and the House would not, perhaps, be surprised that these bodies had not universally availed themselves of the powers so bestowed. The nuisance authorities had changed from time to time. Before 1855 they were the Boards of Guardians; between 1855 and 1860 various bodies exercised the powers conferred by the Acts; between 1860 and 1868 they were again lodged in the Boards of Guardians, but in 1868 the most important of their functions—that was as regarded the nuisances connected with sewage and drainage—was taken from them and vested in the sewer authorities; in other words, in the hands of the inhabitants themselves, instead of in Boards of Guardians. While, therefore, the vestries had not sufficiently availed themselves of the powers placed in their hands, he was, he thought, entitled to say that the Boards of Guardians had not had sufficiently fair or continuous opportunities of performing the duties of nuisance authorities. He could not help thinking that the House would come to the conclusion expressed the other day at Liverpool by Lord

Derby, that the first object of sanitary reforms was the construction of proper machinery for carrying them into effect. They required three things. The first, some central and governmental supervision and inspection, was, he thought, practically provided last year. Then came the institution of defined authorities with defined responsibility. By defined authorities, he meant, in the words of the Sanitary Commission, authorities so constituted that there should be one sanitary authority for all sanitary purposes in one place; and by defined responsibility he implied that our legislation should cease to be so much as it had been permissive, and that distinct duties and responsibilities should be placed upon these bodies. With regard to the constitution of authorities they had followed the recommendations of the Sanitary Commission. They proposed to divide the sanitary authorities into urban and rural. Urban authorities were the Town Councillors in boroughs, Improvement Commissioners in Improvement Act districts, and Local Boards in Local Board districts. The rural authorities would be the Board of Guardians, with the exception of those that might be said to represent urban districts. Upon these bodies they proposed to bestow all the powers both of the Sewage Utilization and the Nuisance Removal Acts. With regard to the urban authorities, they would have allocated to them the same powers they already possessed, with an extension. Then powers were taken to combine these authorities for certain purposes, such as the constitution of port authorities, dealing with rivers and vessels thereon, which was eminently necessary in cases of epidemic invasion. Next, by Provisional Order, it would be sought to combine districts for any sanitary purposes which might seem to call for a wider area, such as the conservancy of rivers, the enlargement of sewer works, &c., and by such arrangements, at once simple, elastic, and comprehensive, it was hoped that the recommendations of the Commissioners would be effectually carried out. They did not ask for many new powers, because those existing already were extensive; but the powers they sought were of importance. As Lord Derby had said, the first great necessities, from a sanitary point of view, were pure air and pure water; and he

would add that pure air was more needed in-doors than out. Outside there might be much that was offensive; but even noxious gases, if mixed with a sufficient supply of life-giving air, might not be dangerous. But when such gases penetrated into poverty stricken, unventilated, and over-crowded houses, they were extremely dangerous. Therefore, he had taken the responsibility of recommending that the local sanitary authority should have the function, and at least the right of looking to the condition of drains, not only outside but inside houses, and of taking care that sources of disease should not, through a bad system of drains, affect the health and lives of the population. As to pure water, power existed already for supplying water. He would ask for powers to test the purity of the water which was supplied by the water companies. A noble Lord (Lord Eustace Cecil) asked him the other day whether he proposed to deal with the adulteration of food and drugs. He did not propose to deal with the question of drugs; but as to the adulteration of food, there were powers under the Nuisance Removal Act of dealing with unwholesome food, and he proposed to extend these powers specifically in certain directions to which he need not at present allude. But he proposed also to make the local sanitary authority the authority for acting under the Food Adulteration Act of 1860. He proposed also to call upon the local sanitary bodies to provide hospitals, and all the appliances and medical attendance for the treatment of epidemics. He also intended to ask the House to give to the Local Government Board with respect to the country the same power which the Poor Law Board possessed in the metropolis, of requiring the institution of Poor Law dispensaries and the provision of drugs for the treatment of paupers, instead of including them in Poor Law Union contracts. [Sir CHARLES ADDERLEY: Are temporary hospitals intended?] Hospitals available for epidemics, but they might or might not be temporary. He proposed, of course, to call upon the local sanitary authority to appoint sanitary officers, including medical officers of health, who, as he thought, might or might not be Poor Law medical officers. With the assistance of these officers, the Government hoped to secure statistics of disease. As to the compul-

sory registration of births and deaths, that would be provided for by another measure. He thought he had now stated in brief outline the provisions of this Bill. It reconstituted authorities and endeavoured to simplify them. It gave new powers and imposed distinct responsibilities. The clauses of this measure were framed in no spirit of distrust of local government. He had no belief in centralization; and if intelligent, independent, and public-spirited men could not be found to undertake such important duties as he had described, he knew of no means by which the objects in view could be accomplished. No proposals were made in the Bill which they did not mean seriously to submit to the House; and, knowing how much interest was taken in this subject, the Government hoped that before the measure left the House it would assume a shape which would do credit to the Legislature and to the subject, and which would be of lasting benefit to the people of the realm. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

SIR CHARLES ADDERLEY said, that at such an hour it was no time to discuss the details of a measure for the local government of the country. All were calling out for some such measure, and the House would readily consent to the first reading of a Government Bill. On the second reading, they should scrutinize the general scheme; but it recommended itself to the Sanitary Commissioners as part of their own Report. But he wished to explain why he intended to ask leave to introduce at the same time his Bill for the consolidation and amendment of the sanitary laws, and that was because the right hon. Gentleman the President of the Poor Law Board (Mr. Stansfeld), while approving of such a scheme, did not propose to attempt to carry it out at present, but only introduced an amending or patching Bill, and because, in his opinion, the sanitary laws of this country were chiefly inoperative in consequence of their confused, contradictory, and scattered condition. The law on the subject of public health was much less defective than confused, and the amendments required, in way of addition to it, were not very many. Little more than making authorities universal and imperatively active was needed to complete the law. It was the

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confusion of the law that was the chief cause of a very large and unnecessary mortality, and not only of mortality, but of chronic sickness, misery, and debility among the working classes, and, as recent experience had shown, among the highest classes also. The existing law, cleared of this confusion, would almost suffice. He himself had tried during the Recess to make himself experimentally acquainted with the law; but he found that those by whom he attempted to carry it out were wholly ignorant of its multitude and variety, and if they commenced proceedings under any provision were often tripped up by some Act of a more recent date than the one they were trying to put into force. Even the lawyers were not thoroughly acquainted with the aggregate of law, and were frequently at fault through not knowing under which of a multitude of Acts they ought to proceed. Few knew the authorities responsible, and the authorities knew not their own responsibility, nor did the people know the penalties to which they were liable, or the duties they had to perform. The first and most imperative necessity was that the law relating to public health should be consolidated, for much of the existing evil calling for remedy arose from the fact that the law was scattered over so many statutes, passed irrespectively of each other, partial, contradictory, or in repetition; and he did not hesitate to say that to add to the existing statutes without consolidating them would be to increase the mischief. Nothing was more important in this, or any free country, than that its local government should be of universal recognition and efficiency. The central Executive should set it in motion, but be kept by its activity from all temptation to supersede it. The Commission which sat upon the subject had drafted a Consolidating Bill, which had already been laid before Parliament; and what prevented the right hon. Gentleman from adopting the work of the Commission, making also the additions which he now proposed? The right hon. Gentleman said he was deterred by seeing 450 clauses in the Bill; but those clauses were already on the statute book, and the sole difference was that in the Bill of the Commission they were consolidated and reduced to order, and contradictory and superfluous parts removed. The Government Bill, together with all the

Acts left unrepealed to be read with it, involved double the number of clauses. In his opinion, the right hon. Gentleman would be much more likely to attain the object in view by adopting the course which he recommended than by trying to pass the present Bill, and then setting about the consolidation afterwards. Parliament would fight his new propositions actually presented more than if they were embodied in a general re-enactment of existing law. He (Sir Charles Adderley) intended, therefore, to ask leave to re-introduce last year's Consolidation Bill. At the same time he should give his hearty and zealous support to the present measure, which, also emanating from the Commissioners Report, he believed to be most essential. Possibly, the two Bills might be amalgamated. The only ground on which the Bill was at all likely to meet with opposition was that it might be supposed to entail additional expense upon the community. The subject of rates had wisely been separated from the present Bill; no new rates were proposed; it might, however, be thought that when the law was made more perfect and operative the rates, even such as now levied, would be larger in amount, but surely it was more economical to get a good return on an expenditure of £100, than to spend £99 and get nothing, or even mischief, for it. The return obtained for the present expenditure in connection with public health was certainly most inadequate. But so far from the improvement and consolidation of the law leading to a larger outlay, he believed it would lead to an actual economy in the amount expended. A principal part of the proposed consolidation consisted of an unification of offices and machinery.

MR. A. JOHNSTON hoped that some attention would be paid in the Bill to the status of the executive officers of the nuisance authorities. He concurred in the extreme importance of local self-government, but that self-government was by no means perfect, and in many cases the members of Local Boards and vestries were elected simply for the purpose of making the Acts as inoperative as possible. He hoped the right hon. Gentleman would introduce into his Bill some provisions for making the executive officers to a certain extent independent, and not so much under the thumb of those who had to appoint them.

MR. F. S. POWELL was sorry to have heard from the speech of the right hon. Gentleman the President of the Poor Law Board that in the opinion of Her Majesty's Government the time had not arrived for the consolidation of the laws relating to the health of the people, and hoped that when the Bill before the House became law it would contain a wider range of provisions, and among these he would like to see clauses regulating the closing of wells which were unwholesome, the making it compulsory to provide a public mortuary in every district, and also some disinfecting apparatus. Instead of the system of building bye-laws existing in the present Acts, the words recommended by the Sanitary Commission should be substituted, and he hoped the Government would also introduce the definition of nuisances which the Commissioners recommended.

DR. BREWER contended that more power should be given to the medical authorities, and that they should not be the mere clerks of the nuisance committee of the Local Boards.

LORD EUSTACE CECIL believed that the right hon. Gentleman the President of the Poor Law Board would deserve the thanks of the whole community for the measure which he had brought forward, and to which he had pleasure in giving his entire support.

Motion agreed to.

Bill to amend the Law relating to Public Health, ordered to be brought in by Mr. STANFIELD, Mr. Secretary Bracke, and Mr. HIBBERT.

Bill presented, and read the first time. [Bill 48.]

REAL ESTATE (TITLES) BILL.

On Motion of Mr. GREGORY, Bill to amend and extend the Act to facilitate the proof of Title to and conveyance of Real Estates, ordered to be brought in by Mr. GREGORY, Mr. PEMBERTON, and Sir HENRY SELWYN-BETSON.

Bill presented, and read the first time. [Bill 50.]

PUBLIC HEALTH AND LOCAL GOVERNMENT BILL.

On Motion of Sir CHARLES ADDERLEY, Bill for consolidating and amending all the Laws on Public Health and Local Government for England and Wales, exclusive of the Metropolis, ordered to be brought in by Sir CHARLES ADDERLEY, Mr. RUSSELL GUNN, Mr. WHITBREAD, Mr. STEPHEN CAVE, Lord ROBERT MONTAGU, Mr. McCLEAN, Mr. RICHARD, and Mr. POWELL.

Bill presented, and read the first time. [Bill 49.]

MIDDLESEX REGISTRATION OF DEEDS BILL.

On Motion of Mr. GREGORY, Bill for discontinuing the Registration of Deeds, Wills, and other matters affecting Land in the county of Middlesex, ordered to be brought in by Mr. GREGORY, Mr. CUNNINHAM, and Mr. GOLDNEY.

Bill presented, and read the first time. [Bill 52.]

MARRIED WOMEN'S PROPERTY ACT (1870) AMENDMENT BILL.

On Motion of Mr. STAVELEY HILL, Bill to amend "The Married Women's Property Act, 1870," as far as it relates to debts contracted by Women who afterwards marry, ordered to be brought in by Mr. STAVELEY HILL, Mr. LORSEY, and Mr. GOLDNEY.

Bill presented, and read the first time. [Bill 53.]

BAKEHOUSES BILL.

On Motion of Mr. LOCKE, Bill to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853, so far as relates to Bakehouses, ordered to be brought in by Mr. LOCKE, Mr. HOLMS, and Mr. WILLIAM HENRY SMITH.

Bill presented, and read the first time. [Bill 54.]

POOR LAW LOANS BILL.

On Motion of Mr. HIBBERT, Bill to extend and explain the Law relating to Loans for purposes connected with the Relief of the Poor, ordered to be brought in by Mr. HIBBERT and Mr. STANSFIELD.

Bill presented, and read the first time. [Bill 51.]

TRADE PARTNERSHIPS.

Select Committee appointed, "to inquire into the practicability of a Registration of Trade Partnerships and into the best means of effecting such Registration."—(Mr. Norwood.)

And, on February 22, Committee nominated as follows:—Mr. ANDERSON, Mr. BARNETT, Mr. CRAWFORD, Mr. GREGORY, Colonel GRAY, Mr. HOLT, Mr. WILLIAM JOHNSTON, Mr. MONE, Mr. OSBORNE MORDAN, Mr. MORLEY, Mr. MUNDELLA, Mr. PEEK, Mr. ARTHUR PERI, Mr. EDMUND POTTER, Sir DAVID SALOMONS, Mr. CHARLES TURNER, Major WATERHOUSE, Mr. WHITWELL, and Mr. NORWOOD:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at a quarter after One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 19th February, 1872.

MINUTES.—Sat First in Parliament—The Lord Kenry (Earl of Dunraven and Mount Earl), after the death of his father.
SELECT COMMITTEE—Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod, appointed and nominated; Private Bills, appointed and nominated; Opposed Private Bills, appointed and nominated.

PUBLIC BILLS—Second Reading—Ecclesiastical Courts and Registries (15); Ecclesiastical Procedure* (16), negatived.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL—APPOINTMENT OF SIR ROBERT COLLIER.—EXPLANATION.—MR. WALPOLE AND MR. BEALES.

THE LORD CHANCELLOR: My Lords, I beg leave to mention that I have received a letter from Mr. Walpole, which he has written to me in consequence of a passage which occurred in a speech I addressed to your Lordships on Thursday night, when the Motion relative to Sir Robert Collier was under discussion. Mr. Walpole is desirous that I should correct a statement which appears in the report published in *The Times* of the speech I then delivered. I believe that the report in *The Times* is a substantially accurate one of what I said. Mr. Walpole observes—

"With reference to Mr. Beales's appointment to a County Court Judgeship, you are reported to have said—'Mr. Beales had been called upon by Mr. Walpole to assist him in removing difficulties which had arisen under steps he had advised.' But the real facts of the case are these. One night (I think it was the Tuesday night) the friends of Mr. Beales sent in a message to me at the House of Commons requesting to see me on the subject of the Hyde Park riots, and they asked me to give to Mr. Beales and them an interview at the Home Office, which I agreed to do on the following day. Neither then nor afterwards, however, did I call on Mr. Beales to remove any difficulties,' &c., but what I did say, on Mr. Beales's suggestion, was this, that no demonstration of the police should be made if he would do his best to induce his followers to withdraw from the Park.' I would mention also that Mr. Beales states in a letter that the moment he found that the Park gates were closed he withdrew the meeting to Trafalgar Square, and that he did not hear until the next morning of the outrages that had taken place.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL—APPOINTMENT OF SIR ROBERT COLLIER.

PERSONAL EXPLANATION.

THE DUKE OF ARGYLL: My Lords, I rise also to say a few words by way of personal explanation. A communication has been made to me, through mutual friends, that some expressions which fell from me on Thursday night in the debate on the Appointment of Sir Robert Collier have been felt by the Lord Chief Justice as personally offensive to him-

self. Now, my Lords, I claim for every Member of the Government the fullest right to discuss with freedom both the writing and publication of the Lord Chief Justice's letter to the Prime Minister, and this right, I have reason to believe, the Lord Chief Justice does not at all contest. But under the circumstances to which I have now referred, although there are several words in that letter which are, perhaps, open to the same objection on our part, I can have no hesitation in expressing my regret for any words which may have justly seemed personally offensive to the Lord Chief Justice.

RAILWAY AMALGAMATION.
OBSERVATIONS. QUESTIONS.

THE EARL OF AIRLIE, in calling attention to the question of Railway Amalgamation, and to inquire, Whether Her Majesty's Government intend to appoint a Royal Commission or to move for a Committee for the purpose of investigating the question of Railway Amalgamation; or whether they intend to propose further legislation on this subject during the present Session? said, he thought he need hardly remind their Lordships that in one shape or other the question of railway management, so far as it affected the interests of the public, had engaged the attention of Parliament on many different occasions since the year 1846. In that year a Committee of the House of Commons considered the question of amalgamation, and recommended that—

"In all instances in which railway companies propose to take powers of amalgamation the rates and tolls of the amalgamated companies should be subject to revision."

In 1853, another Committee of the Commons—that known as Mr. Cardwell's Committee—was appointed. On it were some of the most eminent men at that time in the other House of Parliament. Among the recommendations made by that Committee, was the following:—

"That working agreements between different companies, for the regulation of traffic and the division of profits, should be sanctioned under proper conditions, and for limited periods, but that amalgamation of companies should not be sanctioned, except in minor or special cases, when it clearly appears to the Standing Committee that the true and only object of such amalgamation is improved economy of management, and consequent advantage to the public."

The recommendation so made by Mr. Cardwell's Committee had been allowed to remain a dead letter; for in the Report of the Royal Commission on Railways, issued in 1866, it was observed—

"That, notwithstanding the recommendation of the Committee against amalgamation, the three following years saw the amalgamation of the North Eastern lines of railway, the Lancashire and Yorkshire, and the Great Western with the Shrewsbury lines."

Again, from a recent Parliamentary Return it appeared that between 1860 and 1872, 187 amalgamation Bills had been passed, which have added 5,316 miles to the system of the amalgamated railways. This was about a third of the entire railway mileage of the kingdom. A memorandum added to the Return stated that on the 31st of December, 1870, out of a total mileage in the United Kingdom of 15,537 miles, owned by 281 companies, 29 companies owned 13,639 miles. Thus, 29 companies out of 281 held more than four-fifths of the entire mileage of the United Kingdom. There was now before Parliament, besides Railway Bills of the usual character, a Bill for the amalgamation of two great railway companies. The aggregate capital of the two companies was £88,000,000, and the aggregate mileage 2,000 miles. Therefore, if this Bill were passed, a gigantic monopoly, practically controlling the traffic of the northern part of this kingdom, would be placed in the hands of a single company. This precedent, if successful, would probably be succeeded by others. Several other amalgamations, indeed, which had been proposed, had not, for some reason or other, come before Parliament this Session; but there was no reason to think that they had been altogether abandoned. He submitted to their Lordships, therefore, that the time had come when Parliament ought to consider on what terms amalgamations should be allowed to be made; and if amalgamations were to be allowed, the interests of the public ought to be protected. The first question which would arise, then, was—"Ought amalgamation to be permitted?" And if that were answered in the affirmative, there followed the important inquiry—"What conditions ought you to impose in the interests of the public?" No doubt, if proper conditions were imposed, amalgamation might, in many cases, be attended with great advantage

to the public as well as to the companies—but they might also be attended by great disadvantages. No doubt amalgamation, in fitting cases, would lead to great economy as regarded the staff; and it might afford the public facilities which they did not now in all instances enjoy—of passing from one place to another without being subjected to those inconveniences which sometimes competing companies wilfully permitted to interpose in the way of passengers coming from another company; but, at the same time, it should be remembered that amalgamation was the destruction of competition, and so of the advantages which competition gained to the public. He could not think that the Select Committees of the Houses of Parliament afforded an efficient tribunal for deciding as to the merits of proposed amalgamations and as to the conditions that ought to be imposed. He wished to speak with every possible respect of the Committees of their Lordships' House. Ever since he had the honour to become a Member of that House he had been in the habit of serving on them, and he willingly bore his humble testimony to the diligence and care with which their Lordships applied themselves to the work which came before the Select Committees; but it was impossible for a Select Committee to do what was required to secure the interests of the public in respect to travelling—they were fettered by Rules and Standing Orders—they were obliged to decide on *ex parte* statements; and, though a Committee might impose conditions, it had no power to make a company adhere to them. What a company undertook, and bound itself to do under an Act obtained this year, it might seek, and seek successfully, to be relieved from by a Bill of next year or the year after. It was easy to cite a case in point. For instance, not many years ago, a railway company obtained certain additional powers on certain conditions, one of which was that it was to reduce its rates. Two years after, it came before Parliament to get another Act, to authorize it to raise those rates again. He referred to these points for the purpose of showing that under the present system there was no security for the public. Railway companies had great powers. Two companies might be opposed for a time, but they would not go on opposing each other always. They had large

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staffs, able directors, and enjoyed the advantage possessed by all corporations—that they had no conscience and never died. In some quarters a strong opinion had been expressed in favour of the purchase of the railways by the State. A Commission on Railways in this country had pronounced against that scheme. A Commission on Irish Railways had pronounced in favour of it, but, perhaps, on Irish grounds. But it was a subject on which there was a considerable difference of opinion, even among commercial authorities. One of the hon. Members for Liverpool, a Gentleman of great eminence in the commercial world, had made a speech setting forth its advantages; and the other hon. Member for Liverpool, who was also a man of great commercial eminence, had been just as strong on the other side of the question. For himself, he would not, on the present occasion, venture to give a positive opinion on a subject regarding which such opposite views were taken by men whose opinions were entitled to consideration; but he would say that the financial aspects of the question ought to be carefully weighed before the State embarked in such an undertaking. It was clear that if one railway were purchased, all must be. But there were lines which did not pay the interest on their debentures; and he should like to know how a value could be placed upon lines which were worth less than nothing? There were other lines which were at present earning a good dividend, made up to a great extent of mineral traffic; but some of the mineral districts through which they passed had been worked to the full extent of their capacity, and were beginning to show signs of exhaustion. If the Government went blindfold into the purchase of such lines, without a careful preliminary survey of the districts through which they passed, they might find themselves in the position in which it was said some of the joint stock companies were which had been formed for the purpose of acquiring and working mineral properties, and which it was said had discovered that the late owners had had the cream of the estate, that the future profits were very doubtful, but that there was one part of the bargain about which there could be no mistake, and that was that they had acquired a *damnoa hereditas* of mortgages and obligation. Another objec-

tion which had been raised to the acquisition of the railways of the country by the Government was the immense amount of patronage which the ownership of the railways would put into the hands of the Government. It might be well in all cases of amalgamation that there should be inserted in the Bill a provision, giving the Government an optional power of purchase—optional as regarded the State, but compulsory as regarded the company. It might, perhaps, also be worth consideration, whether companies which were likely to obtain a large pecuniary advantage from amalgamation should not pay a certain sum of money into the Exchequer. If some arrangement of this kind could be made, coupled with a considerable reduction of fares, the benefits of amalgamation would be shared between the railway companies, the persons who used the lines, and the general body of taxpayers, without the State having to run the risk inseparable from so large a financial operation as the purchase of the railways. It was impossible to provide for the interests of the travelling public by any general Act of Parliament. Unless control in this matter were given to some Department of the Government it was not easy to see how the desired object could be secured. But it might be said—"Are you going to take the management of the railways out of the hands of the railway companies; and to say how many trains a-day there are to be, and at what hours they are to run? It is impossible to do any such thing." He did not suggest that the Government should undertake any such responsibility, but simply that they should exert such a general control and supervision over the railway companies—that in the event of its being clearly shown that any company had neglected to give proper accommodation, or failed in other respects to perform their duty to the public, the Government might have the power to compel the company to do its duty, without relieving it of the responsibility which properly belonged to it, by pointing out how it was to be done. He would remind those who objected to State interference in the management of railways of the regulations imposed by the Board of Trade on the shipping interest. Certificates were granted to officers in the merchant service, and, after an inquiry into the circumstances of any

accident, the Court which held the inquiry withdrew the certificate of the captain or other officer if it thought fit to do so. Again, every seagoing vessel was inspected by the officers of the Board of Trade, and that Board imposed regulations as to the number of passengers which a vessel might carry. He thought it might be well to give a Government Board power to dictate certain conditions as to the terms on which amalgamation would be allowed. Perhaps some persons might be disposed to think that it would be going too far to intrust any Board with the power of imposing such stringent powers; but something very like this was recommended by Mr. Cardwell's Committee. After pointing out the difficulties which would attend an interference on the part of the Executive Government with the working arrangements of a railway, the Report of that Committee proceeded—

"Your Committee, however, think that it would be possible in certain cases, when the general convenience of a district was in question, to raise the dispute between the public and the companies in such a shape as that the interposition of the Railway Department might be effectually exercised. With the view of preventing this power from being rendered nugatory by the introduction of small objections of a practical kind, ingeniously created for the purpose of embarrassing the decision, it would be necessary that it should be conveyed in the widest terms."

They went on to recommend that—

"The fact of wrong having been done by the company should first be substantiated before a public tribunal, and the aid of the Executive Government be afforded to that tribunal in framing its decisions with a view to their practical effect."

He thought the suggestion in the Report was worthy of consideration. At all events, things ought not to be allowed to go on in their present state. We ought to learn something from what had occurred elsewhere. The power of the railway interest had become so great in America, that the railway companies returned Members not only to the local Legislatures, but to the central body of Representatives. He spoke in no hostility to the railway companies of this country: he had spoken in what he believed to be the interest of the public, and he hoped the few observations he had made would elicit a satisfactory statement from Her Majesty's Government.

VISCOUNT HALIFAX said, he would not go into all the topics discussed by his noble Friend who had just addressed

their Lordships (the Earl of Airlie). In the early days of railroad legislation, Parliament determined on giving full scope to competition, as affording the best security that the interests of the public should be duly cared for; and a Committee of the House of Commons has since reported generally in favour of that system. Nevertheless, the amalgamation of various railroads had been carried to a considerable extent, and it was doubted by many persons whether, without amalgamation, the railway companies might not, by arrangement amongst themselves, keep in their own hands the complete control of all the accommodation conceded to the public. There was, however, a considerable difference in the character of different schemes of amalgamation. He believed that, as regarded the smaller railways, amalgamation had been found to be attended with advantages both in the economy and the efficiency of management; but amalgamations on a large scale, such as those proposed in the Bills before the House, and alluded to by his noble Friend, were a very different thing. For instance, three different companies had independent lines of railway from London to Leeds. In such cases the public might fairly think that competition gave them whatever advantages could be given by railroads, and they would have an interest in seeing that the effect of amalgamation was not to put them in a worse position than they were when the companies were competing. As to the cases more prominently before the public at that moment, they differed in some respects—one was little more than extending to Glasgow a line from London, which already went to Carlisle; but that of the London and North-Western and the Lancashire and Yorkshire Companies would place all the communications of Lancashire in the hands of one great company. He concurred with his noble Friend that such amalgamation should not be allowed without considering whether something should not be done to protect the interests of the public. Such a gigantic monopoly must be viewed with caution. What the Government proposed was, that there should be a Joint Committee of the two Houses—if the two Houses approved the proposal—to consider whether amalgamations on such a large scale should be sanctioned, and, if so, what securities should be taken for the inter-

rests of the public. A deputation which had waited on his right hon. Friend the President of the Board of Trade a few days before, stated its opinions that the appointment of such a Committee would be very desirable, and added that such a Committee would have greater weight than would be possessed by two separate Committees—one of each House. If the House approved of his course, his noble Friend behind him (Earl Cowper) would move for the appointment of their Lordships' portion of the Joint Committee. From the labours of such a Committee the Government expected material assistance.

THE MARQUESS OF SALISBURY concurred in the course proposed by the noble Viscount as that most for the interest of the railway companies, and most for the interest of the public also. He would not go into the general question of amalgamation which had been raised by the noble Earl (the Earl of Airlie), because to do so might be to prejudge the question; but, he thought, that some expressions used by the noble Earl gave too large an importance to the question. The noble Earl had spoken of a "gigantic monopoly" and "competition." Now, he must observe that the word "competition" was sometimes applied in a manner which very much misled the public. Where the field was a very wide one, the word was applicable in its ordinary sense; but when the "competition" was between only two or three persons, or two or three companies, there was great danger—to use the words of Lord Dalhousie—that "competition" would become "combination." After a time, when they found there were no other companies to interfere with them, there was a practical agreement to share the business between them. They adopted the same times of starting, the same times of transit, and the same scale of fares, and the only result was that in which, perhaps, those who entertained the same feelings as the noble Earl might rejoice—a loss to each company. But the public might be sure that no loss was inflicted on a railway company that the company did not manage to make the public pay the half of. His noble Friend the Chairman of Committees, who had a lively idea of railway companies, and looked upon railway directors as locusts, thought that they contrived to make the public pay

even more than the half of any loss they had to suffer. He approved the proposal for a Joint Committee; but he hoped the Committee would not be regarded in the light in which so many Committees and Commissions had been viewed—as a contrivance for shelving the question, and for relieving the Government of all responsibility. The charges against railway companies were serious, and constantly repeated; but the companies had also suffered deeply from the oscillations of Parliamentary policy; on their side they were prepared to bring a heavy bill of indictment against successive Governments and the Legislature for the manner in which they had been treated—for the uncertain manner in which they had been dealt with. One injustice of which they complained was this—that Parliament had never adopted and maintained one principle, either that of competition or that of monopoly, but had floated between the two. Sometimes it used the language of competition, other times it employed that of monopoly. The question, which principle was to prevail in the particular case, had always had to be fought within the walls of the Committee-room. The consequence had been the misfortune of non-paying branch lines, which all railway companies had felt, and which had brought ruin on some of them. There was a line from, say, centre A to centre B. The inhabitants of the country through which this line ran wanted a branch line, and could not get it. They went to a solicitor and engineer, and some other gentlemen willing to promote companies, and a new line was projected to run through the same centres. Rather than see this, the old company consented to make the branch line, though knowing it would not pay. This was the cause of political lines fighting lines which had never paid interest, but which had been imposed on railway companies as blackmail to prevent lines from being run through their centres. While in other countries some lines had paid a fair commercial interest, and others as much as 12 and 13 per cent, taken as a whole the capital invested in the railways of this country had not paid the ordinary interest of 5 per cent. The question of amalgamation had forced itself to the front, and must be decided. He only hoped that when it was decided it would

be in no vague terms. He hoped it would be in such decided terms as would give the shareholders in railway companies, and the public, a knowledge of what they had to expect, and not add another to the many evils that had already resulted from indecision in the character of railway legislation.

THE MARQUESS OF CLANRICARDE fully concurred with the noble Marquess who had just spoken, as to the evils which had resulted from the undecided character of our legislation in respect of railways. Owing to the monstrous system adopted in 1843-44 by bold and clever adventurers, and the absence of any efficient laws, a loss had been involved of upwards of £200,000,000. It was a mistake to say that the loss had fallen on the shareholders, for it had fallen on the public, and whole families had been ruined, and the general community had suffered to a degree which was shocking to conceive. Its results had been felt even more severely in Ireland than in this country. He hoped the inquiry would be a general one, and that it would lead to still more searching investigations. What was wanted was some modification of the laws affecting railways—a question which successive Governments had been too timid to face. These laws should also be codified, so as secure uniformity, which would save a great deal of money which was now being thrown away.

THE DUCHESS OF RICHMOND cordially concurred in the recommendation of his noble Friend opposite (Viscount Halifax) regarding the appointment of a Joint Committee; but, at the same time, he would venture to suggest that the terms of reference to such a tribunal should be very explicit—because he fancied in a question of this kind there not only should be a decided explanation of the views of the Committee, but also that they should be obtained as rapidly as possible. In that view it would be very unwise and inconvenient to travel over such a wide field as that foreshadowed by his noble Friend (the Earl of Airlie), including, as it did, the purchase and management of the railways by the Government. That was a gigantic scheme, and one which he did not think would come fairly within the province of the Committee. The proper course would be to have terms defined, so that the

Committee should not be allowed to travel over such an extensive field of inquiry, but bring their labours on the point referred to them to a speedy solution.

LORD REEDESDALE said, he differed from all the noble Lords who had spoken on the subject. He thought the proposed inquiry not only unnecessary, but absolutely useless. Parliament had inquired over and over again, and from further inquiry nothing would result but delay. The recommendations that would come out of such an inquiry would have no effect in removing the difficulties spoken of. The thing which was really wanted—even in the interests of railway companies themselves—as much as in that of the public—was an efficient Board of Control. He did not think such Board ought to be a Department of the Government; but should be empowered to supervise matters arising out of traffic and other details on which it would be preposterous to legislate. What he would suggest was, that every Session each House of Parliament should appoint a Controller—though the appointment would be renewed each Session, the same persons would probably be appointed year after year. The two Controllers thus appointed by the Legislature would constitute a Board unconnected with the Government, and he believed they would inspire more confidence on the part of the companies than any Board of Control connected with the Government could succeed in doing. He was induced to think so from observing that the system under which the Chairman of Committees was appointed in their Lordships' House, and the Chairman of Ways and Means was appointed in the Commons, seemed to work well. He believed that the decisions of a Board of Control appointed by the two Houses of Parliament would be generally satisfactory to railway companies. He would not allow the Board to regulate the working of lines in the first instance, but he would give it the power of interposing on complaint being made by the public of the manner in which the traffic was worked. The orders of the Board would be reported to Parliament, and the Controllers would, in their respective Houses, give such explanations as might be required, answering as independent Members, and not claiming official support. He thought that such

a Board would do the companies a service by scuring them more traffic. It would prevent such an occurrence as a passenger seeing the train by which he wished to continue his journey leave the station at the moment when the one which was supposed to meet it entered, and being obliged to wait there for perhaps three or four hours. He thought that the provision of Mr. Cardwell's Act for having such questions decided by the Court of Common Pleas, had proved inoperative from the delay and cost attending any proceeding in a Court of Law. No conditions made by Act of Parliament at the time of an amalgamation could be effectual for the future protection of the public, because new lines of traffic might come into existence after amalgamation, and improper arrangements persevered in without remedy, if there was no authority to act as circumstances arose. It was expected that out of this inquiry there was to come knowledge; but in most cases all it would be productive of was local information. He was not unfavourable to amalgamations, and had no desire to speak against railway companies—he wished they were all prosperous. He believed most of them were managed in such a manner as left very little ground for complaint. For instance, he believed very little fault could be found with the London and North Western, and that a Board of Control would seldom find a reason for interfering in its management; but, still, he held that a Department to act in the manner he had indicated was essential, and that one constituted in the way he had described would be the most likely to have the confidence of the railway companies.

EARL COWPER hoped that as speedily as possible a decision would be arrived at with regard to this question. There were many noble Lords in the House who had taken a deep interest in the matter, and were perfectly cognizant of all its details, and it would be a great mistake to miss an opportunity for obtaining their assistance and co-operation. He objected to the officers suggested by the noble Lord the Chairman of Committees—the experiment was too novel and untried to be adopted without careful consideration.

ECCLESIASTICAL COURTS AND REGISTRIES BILL—(No. 15.)
(*The Earl of Shaftesbury.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF SHAFTESBURY, on rising to move the second reading of the first of the two Bills he had introduced—the Ecclesiastical Courts and Registries Bill and the Ecclesiastical Procedure Bill—said, the question involved in the measures on the Paper had occupied public attention for a great many years. In 1856 the subject was taken up by the Government of that day, and Lord Cranworth introduced a measure which was approved by all the English Prelates, and supported by all the occupants of the Irish Episcopal Bench, but which was thrown out by Parliament. In 1869, seeing that no one else would take up this very laborious but uninteresting work, he himself introduced a Bill, which was read a second time and referred to a Select Committee; and a counter Bill having been introduced in the same Session by the Archbishop of Canterbury, was referred to the same Committee. The Select Committee reported the Bill with Amendments; but owing to the lateness of the Session there was no time to pass the Bill into an Act, and he (the Earl of Shaftesbury) withdrew it. In 1870, he (the Earl of Shaftesbury) introduced another Bill, which was to all intents and purposes the measure that came down from the Select Committee in the previous year; but it was found impossible to proceed with it, because large objections were taken to his financial statement as to the sources of income whence the various establishments were to be maintained. It was necessary, therefore, to move for Returns on the subject; but the Session had almost terminated before those Returns were ready, and therefore the question again dropped for the time. Again, in 1871, a like Bill was introduced; but owing to several reasons, and among others the absence of the Archbishop of Canterbury, through ill-health, the measure was so long delayed in their Lordships' House that if it had been sent to the House of Commons the accumulation of business was so great that, it could not have been dealt with, and he again withdrew it.

It must be remembered that on each occasion the Bills were read a second time, and he now asked the House to assent to a measure which was with very trifling exceptions identical with the proposal that had so often received the approval of their Lordships. Last year he received several communications both public and private, suggesting various Amendments in the Bill, which suggestions he had adopted, with very few exceptions. As a few instances, he might mention that he received and adopted some valuable suggestions from the Archbishop of Canterbury. The Bishop of London suggested that the clause should be restored to the Bill, whereby it was proposed to submit issues on simple matters of fact to juries, and that suggestion also he at once adopted. The Bishop of Gloucester and Bristol made some suggestions with respect to the reservation of the rights and privileges of Chancellors; which also, together with an Amendment of Lord Romilly, had been embodied in the Bill which he now asked the House to read a second time. One difference, however, there was between the Bill of 1871 and that which was now before the House. To meet the wishes of the noble Marquess near him (the Marquess of Salisbury), and the right rev. Prelate opposite (the Bishop of Peterborough), he had divided the Bill into two parts. In the first Bill he proposed to deal with the registries and all that related to the structure of the Courts; and in the second Bill he proposed to fix and limit the mode of procedure in the Courts. The second Bill was, in point of fact, nothing more nor less than the 32nd clause of the Bill which was referred to a Select Committee in the form in which it came back from the Committee. The following was the text of the measure:—

"Suits against clerks for offences against the laws ecclesiastical shall be commenced either by the Bishop of his own motion, or by three members of the Church being inhabitant householders of the diocese; provided always that in the case of a charge of teaching or maintaining unsound doctrine a written statement of the particulars on which such charge is founded shall, in the first place, be laid before the Bishop, who may, if he shall think that such statement does not contain sufficient *prima facie* ground for proceeding, refuse his assent to the institution of the suit, subject, however, to an appeal against such refusal to the Archbishop; and the appellant may appear before the Archbishop either in person or by counsel on his behalf in support of the appeal."

The Earl of Shaftesbury

The insertion of the clause which he had just read, and which, as he had said, formed the text of the second Bill upon the Paper, was moved by Lord Cairns in the Select Committee which inquired as to the Bill of 1869, and he was sorry not to see the noble and learned Lord in his place to support his own proposal on the present occasion. The Lord Chancellor was in favour of the laity having access to the Courts without the intervention of the Bishops in cases of excessive ritual; but by the second of his two Bills he now proposed to provide that before proceedings were taken, the Bishop should have it in his power to pronounce whether, in his opinion there was sufficient *prima facie* ground for proceeding — such decision, if adverse to the views of those desiring to take proceedings, to be subject to appeal to the Archbishop. He had been charged in a variety of ways with Bills, the purport of which was to restrict the power of the Prelates; but he maintained that the object of these Bills was to restrict the undoubted rights of the laity; and that the Bill, which said that three members of a diocese should be enabled, in Ritualistic and ceremonial matters, to appear without the authority of the Bishop, and in minor matters with the consent of the Bishop, was a great restriction indeed upon existing rights and privileges. It was the general belief that by the Church Discipline Act, the rights of the laity to promote the Judge's office were entirely taken away; he never believed it was so, and he did not believe it now; the issue had not been tried — indeed, it had never been raised, and he thought their Lordships would bear it was still a moot point; but admitting, for the sake of argument, that the general belief was correct, and that those rights were affected, they were affected only to the extent of the power of the layman to go into the Bishop's Court without the consent of the Bishop. But let it be recollected, apart from the Bishop's Court, there were the Criminal and Common Law Courts of the realm, and these were now open, without let or hindrance, to every layman in the country. A member of the Church of England or a Non-conformist might go before these Courts and indict any clergyman, any Bishop, or even an Archbishop, for breaches of the rubrics, because the rubrics were

part of the law of the realm. He was always convinced that the laity had never lost their right of enforcing the law of the realm, and of promoting the Judge's office in the Criminal and the Common Law Courts, and that conviction was sustained by counsel upon a case which was stated, on his behalf, for the joint opinion of Mr. James Stephens, Q.C., Mr. H. P. Pullen, Mr. T. D. Archibald, and Dr. Tristram. The case was as follows:—

"In the administration of the sacraments and other rites and ceremonies of the Church, many clergymen are wilfully acting in direct opposition to the provisions contained in the Book of Common Prayer. Ceremonies are used in the performance of Divine service which have been declared by the Queen in Council, in 'Martin v. Mackonochie' and 'Hebbert v. Purchas,' to be illegal under the Acts of Uniformity of Elizabeth (1 Eliz., c. 2), and Charles II. (13 & 14 Car. II., c. 4). The Prelates refuse to interfere *ex mero moto*, notwithstanding the vow they made at their consecration 'to correct and punish' such as were 'unquiet, disobedient, and criminous' within their respective dioceses. Some Prelates even refuse to allow any proceedings to be instituted in their Courts at the instance of a promoter. The delays and expense incident to a suit in the Ecclesiastical Courts amount to a denial of justice. Your attention is requested to the Acts of Uniformity of Elizabeth and Charles II., and likewise to the Church Discipline Act, 3 & 4 Victoria, c. 86. The joint opinion of Mr. H. B. Poland and Mr. T. D. Archibald was taken in 1869, upon the question whether criminal proceedings could be instituted against a clergyman for a violation of the Acts of Uniformity. Their reply was in the affirmative. A copy of that opinion accompanies this case. Your opinion is requested upon the following questions:—1. Whether, having regard to the Church Discipline Act, proceedings can be instituted in the Criminal Courts against any clergyman who, in the performance of Divine service, wilfully disobeys the Acts of Uniformity? 2. Whether proceedings can be instituted against any clergyman for using ceremonies which the Queen in Council, in 'Martin v. Mackonochie' and 'Hebbert v. Purchas,' has pronounced to be illegal, as contravening the Acts of Uniformity? 3. Assuming that either or both of the foregoing questions shall be answered in the affirmative, who is a qualified person to prosecute, and is the consent of any Prelate required to institute a prosecution?"

The opinion given upon the case was as follows:—

"We are of opinion that—1. Under the Acts of Uniformity of Elizabeth and Charles II., if any minister 'use any other rite, ceremony, order, form, or manner of celebrating the Lord's Supper . . . other than is mentioned and set forth in the Book of Common Prayer,' an indictment can be maintained against such minister. The Church Discipline Act applies only to proceedings in the Ecclesiastical Courts, and does not affect the provisions of the Acts of Uniformity. 2. An indict-

ment can be maintained against any clergyman for using ceremonies which the Queen in Council, in the cases of 'Martin v. Mackonochie' and 'Hebbert v. Purchas,' has pronounced to be illegal, as contravening such Acts of Uniformity. 3. There is no restriction to prevent any person from preferring such indictments, and the consent of a Prelate is not required as a condition Precedent."

That was the state of the law now. He read the opinion simply and solely for the sake of promoting peace, harmony, and goodwill. He was anxious, as a layman, to concede that it should no longer be in the power of any one man of any religious persuasion to institute a suit in any Criminal Court against criminoous clerks or Bishops; but, if that concession were rejected by the Episcopal Bench, its members must bear in mind to what an issue they were driving laymen, and what was the condition of the law open to them. Could their Lordships believe that, in the present excited state of the public mind, laymen would not be found by scores and hundreds who would only be too happy, at the moderate expense at which they were able to do it in the Criminal as compared with the Ecclesiastical Courts, to institute suits of every sort with the view of bringing the Church into contempt, and the Establishment into real and perhaps insuperable difficulty? He introduced these Bills to promote harmony and peace, and he trusted they would be received in the spirit in which he offered them. If they were thrown out, he for one should feel that the laity were perfectly justified in taking the course he had indicated, and assuredly he for one should never use any influence to restrain them from taking that course, which was the only one open to them for asserting their undoubted rights and privileges.

Moved, "That the Bill be now read 2^o."—(The Earl of Shaftesbury.)

THE BISHOP OF PETERBOROUGH, who had given Notice of his intention to move the rejection of the Ecclesiastical Procedure Bill, said: My Lords, it will be convenient, perhaps, as the noble Earl has referred in his speech to both of the Bills that stand in his name, that I should at once state the ground on which I ask your Lordships not to consent to read the second of them a second time. I gladly acknowledge that the noble Earl has not been wanting in consideration for the wishes and feelings of the occupants of the Episcopal Bench, and I

tender him my own personal thanks for having enabled me, with a perfectly clear conscience, at once to move the rejection of the second Bill, and to vote for the second reading of the first. To the first, I think some objections are to be taken on details which can be conveniently considered in Committee; but to the second, my objections are founded on its principle. I am quite aware that, in opposing the Bill, I occupy a difficult and somewhat inviolable position, because I am asking your Lordships to refuse a second reading to a Bill, the principle of which was affirmed, though not unanimously, last year by a Select Committee of this House; and I believe that it received some time ago, and under somewhat different circumstances, the assent of the two most rev. Primates of the Church. Nevertheless, I feel deeply that very serious issues to the Church at large are involved in that Bill. I shall not, therefore, apologize for detaining your Lordships with a full statement of my objections to it. I object, in the first place, to the title of the Bill, as inviolable and misleading. It professes to be "a Bill to set at rest doubts as to the prosecutions of clerks in Ecclesiastical Courts by laymen." This naturally would give rise to the supposition that there was some objection to laymen, as such, prosecuting clergymen in the Ecclesiastical Courts, whereas there is no such objection that I am aware of. The real fact is, that this Bill proposes to enable three members of the Church—whether laymen or not—to institute prosecutions in the Ecclesiastical Courts; and, for my own part, I confess that I would infinitely rather, of the two, that the clergy should be debarred from the right of prosecuting their brethren, than that the laity should be debarred from the right of prosecuting the clergy—because I think it is quite possible that the clerical prosecutions of the clergy would be, at least, quite as bitter and vexatious as the lay prosecutions. But the issue between myself and the noble Earl is still further narrowed, because, notwithstanding all that he has said of the rights of the laity under this head, he has himself admitted that they ought to be subject to certain restrictions; and he says that this Bill will further restrain their rights. The question really is, not whether laymen are to be free to prosecute clergymen, but whether clergy

or laity shall be free to prosecute without the restriction of the veto of the Bishop; for the Bill proposes to substitute for that veto a money fine only, in the shape of the costs to be levied on the authors of the vexatious suits. Now, the first objection that I make to this proposal is that it would be equivalent to the passing by your Lordships of a direct vote of want of confidence in the Bishops of the Church. They are no longer to be intrusted with one of the most important functions of government—namely, the right to decide when and where the law shall be enforced. The functions of a Bishop of a diocese are not merely judicial—they are also administrative; and I ask whether it is not one of the most difficult and delicate functions of a ruler to decide whether or no prosecutions such as these should be instituted? But to whom is this important power, which can only be used safely with very wise discretion, given by the Bill? To any three persons in the entire diocese—who may be the three greatest fools in it—to them is to be given the power of deciding whether the parish or the diocese, or the Church at large, is to be set in a blaze because they chose to club together their little moneys and large spite for the prosecution of any clergymen they may happen to dislike. I cannot thank the noble Earl for the compliment that he pays the Bench of Bishops, when he thus proposes to hand over their discretion to these self-selected triumvirates of fools. Consider the effect. Three persons—let us say three old women—in the Channel Islands would have the right to prosecute, for any minute violation of the rubric, any clergymen within a stone's throw of your Lordships' House. That would be one of the practical possibilities of this clause. If it be said that hitherto the Bishops have not exercised the power the noble Earl now proposes to take away from them, I answer that no doubt that is true; but then it must be remembered that an English Bishop is the only judge in the world who is heavily fined for executing the duties of the office. It is utterly unreasonable to complain of the Bishops because they have been unwilling to ruin themselves in prosecutions to uphold or declare the laws of the Church. But would it not have been more fair if the noble Earl had waited to see if the Bishops would do their duty, now that it is proposed to enable them

The Bishop of Peterborough

to do it, before he came down to the House to tell us, in the same breath, first of all that the Bishops could not hitherto discharge their duty; then to proceed to enable them to do it; and, lastly, to take away all discretion in doing it from them? I most respectfully submit to your Lordships that the Bishops do not deserve this vote of want of confidence—this “vote of degradation from their functions.” But, I ask, in the next place, as regards the clergy, what would be the effect of this Bill? The noble Earl says that it would restrict the rights of the laity, because now, it is a most uncertain point whether the laity can or cannot prosecute without the leave of the Bishop; and, in order to remove any uncertainty, the Bill ordains that any three of them shall be able to do so; and that is the noble Earl’s way of restricting their rights. I rather think that the clergy will, on the contrary, consider this to be an enormous increase of the power of their prosecutors. It puts the clergy in a worse position than any other members of the community. The noble Earl talks of the lay right of prosecution, as if prosecution were the first right and most sacred duty of man, and that it is a dreadful cruelty to deprive anyone of his right to prosecute his neighbour. Is that so? Do we find that a layman is free to prosecute without hindrance, any other layman in the temporal courts? Has the noble Earl never heard of a magistrate refusing to commit, of a grand jury rejecting a bill, of certain prosecutions that cannot be commenced without the leave of the Attorney General. Yet he proposes to place the clergyman in the position of a layman who has been committed for trial, and to refuse him the chance every layman enjoys, that the magistrate may refuse so to commit him. Of course, the noble Earl has reminded us that, if a clergyman does not like to be prosecuted in this way, he may elect to be prosecuted in the lay Courts, and imprisoned for six months, under the Act of Uniformity: but I do not think that the clergy will feel greatly obliged to him for the alternative. Is there no danger that the power of prosecution, and especially of prosecution by societies and knots of individuals, may be abused? Was not, last year, all London much disturbed by vexatious prosecutions under the Sunday Observance

Act of Charles II.—an Act bearing curiously enough the same date as our rubrics? The prosecutions instituted under that Act by the society were found to be mischievous, that it became necessary to restrain them, and an Act was passed last Session, that no such prosecution should be instituted without leave in writing being first obtained from the chief police officer of the district, from two justices of the peace, or from the stipendiary magistrate. This course was found necessary to restrain the ardour of the society in its war against coermongers and applewomen; and I trust that your Lordships will not deem the clergy of the Church of England deserving of less protection than the sellers of sweet stuff in the streets of London. The noble Earl when he last year received from the citizens of Glasgow those well-deserved honours—which it was as great an honour for them to confer as it was for him to receive—deprecated those prosecutions, and said that certain fussy, foolish, and misguided men were endangering the existence of the Act by these unwise proceedings. So it seems that in the opinion of the noble Earl a body of fussy, foolish, misguided men may not interfere with coermongers and applewomen, but that any three or 30, or 300 foolish and misguided men may prosecute a clergyman of the Church of England without a word of remonstrance from the noble Earl—nay with his assistance, for the noble Earl this evening comes down, to point out to fussy, foolish, misguided men how they should set to work to do this. In the next place, I would observe, that this Bill places the clergy in a worse position than the members of any other profession. In every profession its members are bound by certain inner rules, which are very often enforced with great strictness and severity, but which do not affect the rest of the community. The violation of these rules by members of the profession frequently entails upon them very heavy penalties. For instance, an assault which, if committed by a civilian, would only be punished by the imposition of a fine, might, if committed by a soldier on his superior officer, be punished by death. Where such strict and intricate rules exist the enforcement of them is reserved to the heads of the profession; and while I admit it to be quite right that the members of professions should in

return for exceptional privileges be subjected to severe exceptional legislation, I maintain that it ought not to be in the power of every one to put in action the exceptional professional laws which do not bind the rest of the world. For instance, if the noble Earl were to be the spectator of a review, and it struck his mind that an officer had violated one of the Articles of War, would he claim a right, as a citizen, to compel the trial of that officer by a court martial? Of course not; but yet the noble Earl assumes that everyone has a right to enforce the exceptional laws of the clerical profession. The Bishop is the commanding officer of the clergy, and it is only reasonable that with him should rest the enforcement of the stricter laws of the profession. Persons who are bound by strict professional rules are entitled to some protection, and of all professional men the clergy, from the very nature of their profession, stand most in need of protection. A clergyman is a person whose profession brings him into collision—and often into violent collision—with the prejudices, passions, and party spirit of his people—yet this Bill proposes to leave the clergy liable to vexatious attacks from any three persons in or out of the diocese. And the persecutions will certainly be numerous. The squire of the parish, whose wife may not have received a return visit from the clergyman's wife, with his gardener and bailiff, may form the prosecuting trio. Or the trio may consist of the publican, who was offended against the vicar's last sermon against drunkenness, and two of his customers. Nay, even the keeper of a house of ill-fame, and two of the frequenters of his house, may constitute the trio. In short, any person whose feelings have been in any way hurt by the clergyman will only have to get two other persons to join him in order to get up a vexatious and harassing prosecution. And clergymen are specially exposed to such prosecutions for another reason—no profession is bound by so many complicated and obsolete laws as those which bind the clergy. There is not a clergyman in the Church of England who either does or can literally comply with every one of the rubrics. Her laws fit the Church like an ill-made coat—tight where they should be loose, and loose where they should be tight. Yet

these complicated and obsolete rubrics, which no one can possibly obey in their entirety, are to be enforced by any three persons who club together their money and their spite in order to prosecute any parson who may have offended them. I ask your Lordships further to remark that the Bill does not require the prosecutors to be parishioners, who have a *quasi-right* to see the rubrics carried out in their parish church; but the law may be set in motion by persons who reside miles away, in a remote corner of the diocese. Now, it deeply interests the laity that the peace and harmony of the Church, which I believe the noble Earl is desirous of promoting, shall be preserved, and I may remark that that much-abused Order, the Bishops exert themselves to the utmost to preserve the peace of the Church. When any dispute arises as to the observance of rubrics, the persons interested ought to resort to the Bishop, who is directed to take order for the appeasing of such dispute; and, in point of fact, there is not a Bishop on the Bench who has not repeatedly appeased quarrels which otherwise might have festered into law suits. But what clergyman would ever go to his Bishop to settle a matter in his study, if he knew that, however satisfactory the settlement might be to himself and his parishioners, it was in the power of any three members of the Church, living perhaps 50 miles off, to upset it, simply because they did not happen to like it? I will relate a brief anecdote in proof of this. About two years ago one of these disputes came before me for settlement, the clergyman and the parishioners having agreed to refer to my decision a question as to the services of their Church. I believe that I succeeded in settling the dispute to the satisfaction of everybody in the parish with the exception of a *Wesleyan* preacher, who called himself a Churchman, and who objected altogether *in limine* to the reference, because he doubted whether the Bishop's principles were sufficiently evangelical—that is, he was not quite sure that the Bishop would decide in his favour. Well, if that member of the Church of England could only have found in the large diocese of Peterborough two other persons who were as silly as himself, he might—supposing this Bill had been passed—have burdened the Church with a wretched law suit about a matter which

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the Bishop had settled without his permission. I will now ask your Lordships to consider the value of the checks and restrictions against frivolous and vexatious prosecutions proposed by the noble Earl. The first is, that prosecutions shall be instituted only by three members of the Church of England; but the Bill gives no definition of a member of the Church of England, and for a very good reason—namely, that there is no such definition known to our law—at all events, I know of no definition which would prevent a Nonconformist from prosecuting under this Bill. I contend that, according to the law of England, every baptized person is a member of the national Church, and has his legal rights accordingly in that Church; and, although I grant that the noble Earl intends to prevent the members of communions which are bitterly hostile to the Church from instituting prosecutions, yet I maintain that the clause inserted in the Bill will not really prevent that scandal and disgrace. In fact, the secretary of the Liberation Society might devote the £7,000 a-year received by that association to the prosecution of clergymen in the Ecclesiastical Courts, with a view of making them and the country thoroughly sick of a Church established by law. Much has been said of late respecting the conciliation of Dissenters, and I have heard of strange devices for effecting this object. They are to be allowed to have the free use of the churchyards for burials, but are not to contribute to the cost of maintaining them; they are also to be consulted as to the colour of the dress worn by the clergy in the pulpit; and now, it appears, the noble Earl would further conciliate them by giving them a share in the privilege of cheap prosecutions—just as he might conciliate some poor relation or a squire who had a vote in his county, by giving him a day or two's shooting in his preserves. As to the next check—the clause providing that the prosecutors shall be resident householders—I think the noble Earl himself does not lay much stress on it. As a third check the noble Earl proposes—not in this Bill, but in the first one—that in the case of vexatious and frivolous suits, it shall be in the power of the Court to compel the prosecuting parties to pay the costs. Does the noble Earl, who appears to think

that a fine will be a sufficient check to a prosecution, really suppose that avarice is the only passion in the human breast. Does he not know how readily men pay for their pleasures or their passion? There are sportsmen who will pay largely for the hire of grouse moors and salmon streams. Does he not think that occasionally there may be found two or three sportsmen of another kind, to whom the struggles of a poor curate with 10 children under the prosecution of some great squire would be as exciting as the first rush of the salmon would be to the angler? I believe that the possible fine of £50 or £500 will not restrain men from prosecutions when their blood is fairly warmed to the work. Besides, the fact must not be forgotten, in dealing with this subject, that there exists in this country a great association, one of whose objects is the promotion of these prosecutions. Prosecution in these days is reduced to a science, and is carried on, like many other enterprises, by joint-stock companies with limited liability. Of this character is the society known by the name of the Church Association in this country. The vice chairman of that association, referring to the real powers of that association in the matter of prosecution, said—

"The guarantee fund"—possibly amounting to £30,000—"while it strengthened the hands of the Council and made the position of the association one of security, made it an object of fear to their opponents. That fund had been subscribed solely for Parliamentary and law proceedings."

Here is a powerful association which describes itself as "an object of fear to its opponents;" and with this great guarantee fund, enabling them to prosecute any poor curate whom they may please to number among their opponents, the noble Earl appeared to think that the danger of having to pay costs in a frivolous prosecution would deter them from engaging in it. What will your Lordships say to a case of this kind? The secretary of the association may write to some poor curate in such terms as these—"Sir,—Information has reached the Committee of this Association that your proceedings are not altogether satisfactory to them, and, upon due consideration, they are obliged to number you among their opponents. I must therefore request you forthwith to discontinue the practices to which they object. P.S.—You may not be aware that the

guarantee fund of the society amounts now to £30,000." I ask your Lordships to consider what effect such a communication would have on the independence of that curate, or on the "peace and harmony of his family." But this is not all. This association has a number of affiliated branches throughout the country. Here, also, I may quote from the statement made in the presence of the vice chairman of the society by a clerical speaker, who, with a touching ~~sigh~~, which I hope your Lordships will admire, said "They are anxious to do something, but they do not know the technical steps." The local associations feel that they contribute a great deal to the parent society, and how large a portion of the guarantee fund is available for prosecutions, and they complain that with all this fund at their disposal, "they had no work to do." They should raise the cry for Lord Shaftesbury's Bill. They are eager for this Bill and the noble Earl, who is one of the leaders Dr. Watts may have a right hand in his youth, came down in person those poor unfortunate prosecutors to see Lord Shaftesbury pass this Bill in order to aid so valiantly for those little boys and girls. The clergy are entitled to protection, and the public are entitled to justice. The law is the law, and it must be applied in every case.

Church Association, from below by the Union, and midway, perhaps, by the Bishop—that men of independence, of high spirit, of character, and energy will long put up with it? Your Lordships may suppose that these are the grotesque aspects of the Bill, but some things may be at the same time grotesque and dangerous. I admit that the noble Earl has to cope with a very serious evil—with a lack of discipline and a growing state of lawlessness among those who are called Ritualists. If the noble Earl thinks that I oppose this Bill as a defender of the Ritualists, he is entirely mistaken. I have no such feeling. I admit their great piety, their zeal, their self-devotion; but I deprecate their extravagance as much as does the noble Earl himself. I have this further complaint against them—that they have by that extravagance rendered such a Bill as that now before your Lordships possible. But such is always the result of license. It always leads to loss of liberty. Had they at first been content to submit themselves to the proper rule of their Bishops, they would never have been threatened with such tyrannical treatment. Though I recognize, as every one must, the earnestness, zeal, and self-sacrifice, however in labour among the poor, of those who promote this Bill, I do not claim that I have not any strong objection to its extravagances. But I do not like extreme Ritualism in England. I would eagerly support this Bill. Your friends would better help us to get it passed by. Nothing can be more impudent than to array all the power of the State in enforcement of a law which is calculated to break down the discipline of the Church, going all over the country, and to give unrestrained power to the clergy to subdue and subdue the people with Church law. For this reason, I am determined that we shall not pass such a measure. We must find a sudden and sudden cure for the abuses which prevail in the Church. Because we are not in a hurry. For we have time to oppose this Bill. I do not believe that it is in an emergency. I do not believe that it is in a case of imminent danger.

generously, reminds us—but yet I am not in the least afraid of pleading before your Lordships the cause of the clergy. I, too, remind you that you are laymen because, if your recollection of your lay character is strong, it will make you only the more jealously anxious that the clergy shall not suffer any wrong at your hands. But I remind your Lordships of this fact for another reason—for I believe that your Lordships, as laity, have, above all others, the deepest possible interest in maintaining the independence, the self-respect, and the freedom of the clergy. Make the clergy the slaves of a faction, or the victims of a party; destroy their self-respect and independence; and it will not be so much the clergy in the end as the laity who will suffer. Whatever degrades the clergy injures the laity of the Church, and therefore it is not mainly in the interests of the clergy, but quite as much—nay, far more—in the interests of the laity, that I do most earnestly entreat your Lordships not to vote for the second reading of this Bill.

THE ARCHBISHOP OF CANTERBURY said, that in the Select Committee he and his most rev. Brother who presided over the Northern Province gave their assent to the clause which proposed to give this power of prosecution to the laity. He had greatly enjoyed the speech of his right rev. Brother who had just set down (the Bishop of Peterborough), but that speech had not convinced him; and in justice to his most rev. Brother (the Archbishop of York), to the noble and learned Lords who sat upon the Committee, and to himself, he felt bound to explain why that proposal had received their assent. In the first place, they believed that at the present moment it was very doubtful whether the laity did not possess the very power which his right rev. Brother had shown they could not possess without such dangerous and alarming consequences. He recollects that a few months before he had ceased to preside over the diocese of London, he (the Archbishop of Canterbury) was called upon to institute proceedings against a clergyman living in the diocese of Bath and Wells. He thought it very hard that he should be called upon to act for his right rev. Brother the Bishop of Bath and Wells, and he said he should take no

proceedings in the matter, as it never could have been intended that the Bishop of London should be public prosecutor for other dioceses; but in the course of a fortnight he received a *mandamus*, informing him that he must take the matter into consideration, the clergyman being charged with publishing a heretical book within the limits of the diocese of London. His case was not singular in this matter, for a somewhat similar case happened to the late Bishop of Chichester, when the question arose as to whether a clergyman residing in the diocese of Oxford might not insist on the Bishop of Chichester instituting proceedings against a clergyman in the diocese of Chichester, and the language of the Judges in giving their decision upon the case was doubtful. The state of the law, therefore, was not certain, and it was by no means clear whether both laity and clergy might not proceed against a clergyman for any ecclesiastical offence whatever. In fact, nearly all the objections urged by his right rev. Brother against the proposals of this Bill might be, and probably were, objections against the law as it at present existed. In considering in the Select Committee the question, it was thought very desirable that some rule should be laid down as to who should have in all matters the right to prosecute; and it was considered that in all matters of doctrine and discipline the Bishop should have the right of veto; but that in matters of misconduct and immorality the case was different, and that as to such matters, and also respecting the services in the Church, the laity should have a right to institute proceedings. The Bill at the same time contained clauses providing against vexatious prosecutions, and he did not think that the restriction against the institution of improper prosecutions, by making the prosecutor give security for costs, would be altogether illusory. No doubt there was an ambiguity as to who was or was not a member of the Church; but upon that point the noble Earl had taken the best care he could, for he had introduced into the Bill a clause taken from a previous Act, containing a solemn declaration which the members of the Ecclesiastical Commission made on accepting office, and requiring from every prosecutor in such cases a solemn declaration similar to that made by an Ecclesiastical Commissioner.

There were two other proposals before the public at the present moment besides that of the noble Earl, and he (the Archbishop of Canterbury) must confess that one, which had the sanction of the Ritual Commission, composed of persons of every variety of opinion in the Church, appeared to him to be liable to every one of the objections which his right rev. Brother, the Bishop of Peterborough, had urged against the measure under discussion. There was a proposal made by a noble Lord in the other House of Parliament, Viscount Danden, for the establishment of parochial councils—he did not know whether the right rev. Prelate meant to advocate that proposal, or his own; but, at all events, there was a good deal to be said both for and against it.

The noble Lord opposite had said that the House of Lords was not in a position to give a decision on the subject, because the only decision pronounced had been a Churchman's, and he said it were as well to let others speak on the question. That was the danger. He thought that it was necessary to be unanimous. He hoped that the noble Lord opposite would be willing to refer the matter to the House of Lords, and that the other House might be summoned to meet the House of Lords, so that they might be unanimous in their decision. He also hoped that the noble Lord opposite would be willing to give a guarantee that the proposed parochial councils should not be allowed to interfere with the functions of the Church, and that the members of the Church should be allowed to exercise their functions in freedom and without fear of molestation. These were such acts of wisdom and moderation as might be desired, and he hoped that the members of the House of Commons would be willing to accept them. He also hoped that the noble Lord opposite would be willing to give a guarantee that the proposed parochial councils should not be allowed to interfere with the functions of the Church, and that the members of the Church should be allowed to exercise their functions in freedom and without fear of molestation. These were such acts of wisdom and moderation as might be desired, and he hoped that the members of the House of Commons would be willing to accept them.

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The following observations

not in the House on the present occasion. It was 16 years since he himself had first taken part in the discussion of such matters, and he did not, therefore, think it fair to the noble Earl, the clergy, or the whole body of the Church to lose any more time. The noble Earl ought, he thought, to be afforded an opportunity of carrying his measure through the House of Lords before Easter, and sending it to the House of Commons. As regards the second Bill, it would be for the noble Earl to exercise his own discretion.

The Duke of LATHAM said that the opinions of the most rev. Primate on such a subject were entitled to the most serious attention, were it only for the high position he occupied in the Church; but he understood that he could not concur in the arguments which he had addressed to the House. He had not, he thought, any authority whatever than had been lodged in the very cogent and convincing speech of the right rev. Prelate who sat immediately behind him, the Bishop of Peterborough. He should, therefore, give his vote against the second reading of the Bill. The most rev. Prelate recommended that a good deal might be said in opposition against the Bill, but against all the other proposals in the subject. Sir George, that very sagacious and very strong argument against meddling with the matter in all. To enable persons to interfere in the internal state of the Church, as this provision under the Bill would do, was, in his opinion, very much to be deprecated. He understood the right rev. Prelate to refer to the religious character of the Commission as a reason for setting aside the Bill, but if he did, he was, he thought, very much mistaken. The religious character of the Commission was not the cause of the difficulties they exhibited to the right rev. Prelate, and smaller indeed was the difficulty in the second of the Bills, than in the causes of the first, which was of a constitutional, and as such, a far more important character. After the speech of the right rev. Prelate, he had been constrained to say something on the power to interfere in the Church, but he did not do so. He was, however, of opinion that the Church is a religious organization, and that, therefore, it is against the second reading.

THE BISHOP OF LONDON said, that the principle was sound that every parishioner had a right to the services in his parish church, and was entitled to ask that they should be conducted in accordance with the laws of the Church to which he belonged. He not only had that right, but he ought to have the opportunity of vindicating that right when it was violated, and he should therefore have thought that the right rev. Prelate (the Bishop of Peterborough) might have attained his object without moving the rejection of the Bill by proposing its alteration in Committee. He looked, however, upon the proposal to confer the power upon any three inhabitants of a diocese as altogether indefensible, and he believed it should be limited to three parishioners living in the parish where the cause of complaint arose.

THE LORD CHANCELLOR said, there seemed to be perfect unanimity of opinion with regard to the first Bill, but there was considerable difference with respect to the second. For himself, with regard to that Bill he believed that the view taken by the Ritual Commission as to the necessity for the protection of parishioners was perfectly sound. The Church of England was wisely most large in its liberality as to doctrine; and the same circumstance which made it desirable that the Church should not be narrowed into small sects, made it absolutely essential that there should be strict uniformity in the worship—because it was often in the power of a clergyman by the introduction into the worship of some Shibboleth of doctrine to render attendance unpleasant and even impossible. At the most solemn moment of the service, when everyone was anxious to have his thoughts and mind wholly concentrated upon the act he was performing, nothing could be more distressing than to have some particular Shibboleth imposed upon him against which he had no remedy and from which he could not escape. Believing that in that direction facilities were required, and that they might be obtained from the Bill if it were modified, he was not prepared to support the Motion for its rejection.

LEON LYTTELTON was unable to support the Bill as it stood.

THE EARL OF SHAFESBURY, in reply, observed that in the kind remarks which the right rev. Prelate opposite

had made against this Bill, his right rev. Friend had somewhat misrepresented him. On the occasion referred to he had exhorted laymen not to part with any power they possessed; to retain it rigorously, but not to exercise it in a fussy, foolish, or misguided manner; and he said the same thing now to laymen with reference to the Bill under discussion. So far from this measure inviting litigation, he believed that its tendency would be one of repression, and that if it were thrown out laymen would, in sheer despair, endeavour to obtain redress in the Criminal Courts. He held that every man in the Church of England had the deepest interest in the uniformity of the rites and ceremonies of the Church of England, and the clause providing that the prosecution might be commenced at the instance of any three persons in the diocese had been inserted with a view to divest as far as possible such prosecutions from the element of local jealousy or spite. He really and conscientiously believed that the proposal he had made would tend to promote the best interests of the Church, and that if this Bill were thrown out they would find the Church brought into a state of litigation and confusion of which they could form no idea, and which they would all deeply regret.

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House on Thursday the 29th instant.

ECCLESIASTICAL PROCEDURE BILL.

(The Earl of Shafesbury.)

(No. 16). SECOND READING.

Order of the Day for the Second Reading, read.

Moved, "That the Bill be now read 2^d."—(The Earl of Shafesbury.)

Amendment moved to leave out ("now"), and insert ("this day six months.")—(The Lord Bishop of Peterborough.)

On Question, that ("now") stand part of the Motion? Their Lordships divided:—Contents 14; Not-Contents 24: Majority 10.

Resolved in the negative; and Bill to be read 2^d this day six months.

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NUMBER OF LAND AND HOUSE OWNERS.

QUESTION.

THE EARL OF DERBY asked the Lord Privy Seal, Whether it is the intention of Her Majesty's Government to take any steps for ascertaining accurately the number of Proprietors of Land or Houses in the United Kingdom, with the quantity of land owned by each? He should not trouble the House at any length, because he understood that the suggestion he had ventured to put into his Question was acquiesced in and would be acted upon by the Government. They all knew that out-of-doors there was from time to time a great outcry raised about what was called the monopoly of land, and, in support of that cry, the wildest and most reckless exaggerations and misstatements of fact were uttered as to the number of persons who were the actual owners of the soil. It had been said again and again that, according to the Census of 1861, there were in the United Kingdom not more than 30,000 landowners; and, though it had been repeatedly shown that this estimate arose from a misreading of the figures contained in the Census Returns, the statement was continually re-produced, just as though its accuracy had never been disputed. The real state of the case was at present a matter of conjecture;

but he believed, for his own part, that 300,000 would be nearer the truth than the estimate which fixed the land-owners of the United Kingdom at a tenth of that number. He entirely disbelieved the truth of the popular notion that small estates were undergoing a gradual process of absorption in the large ones. It was true that the class of peasant proprietors formerly to be found in the rural districts was tending to disappear—for the very good reason, that such proprietors could, as a general rule, obtain from 40 to 50 years' purchase for their holdings, and thereby vastly increase their incomes. In the place of that class, however, there was rapidly growing up a new class of small owners, who, dwelling in or near towns or railway stations, were able to buy small freeholds through the agency of societies which existed for the purpose. He believed this new class would fully replace, and perhaps more than replace, the diminution in the other class to which he had referred. He apprehended that through the agency of the Poor Law Board it would be easy to obtain statistical information which would be conclusive in regard to this matter. The returns ought to include the name of every owner and the extent of his property in acres. He did not wish to have included in the Return the exact dimensions of very minute holdings; that could be met by giving the aggregate extent of holdings not exceeding an acre each, the number of separate owners being stated, but not the extent of each holding. He need not waste words in explaining the statistical interest and value of a Return of this nature. He was told that in Scotland a Return of the kind actually existed, and was kept up without inflicting annoyance upon anybody, or causing any great trouble or expense. He thought it might be a question also whether holdings on lease ranging from 75 to 999 years, ought not also to be included; because a man who held under such a lease as that was for all practical purposes very much more the possessor of the soil that was covered by the lease than was the nominal owner, whose only right was that of enforcing certain simple conditions and receiving the amount of ground rent stipulated in the lease. He could not conceive that an inquiry such as he had ventured to suggest would involve any

interference with the private concerns of any persons. Any man, by the use of his own eyes, and by personal inquiry, could obtain an approximately accurate idea of the holdings of every landowner in his own parish, but it was only the State which could take a similar survey over the whole country.

THE EARL OF VERULAM thanked his noble Friend for having put the Question now under consideration; but desired to ask further whether Her Majesty's Government would cause to be prepared and presented to Parliament a Return of the number of entails now existing in this country. He believed much misunderstanding existed with regard to this question, and that, instead of their being numerous, there were very few remaining. In the present day most persons succeeded to their property under marriage settlements, and it ought to be generally known that hardly any good solicitor would willingly draw up a marriage settlement unless it included a power of sale. Under these circumstances, property of this class was easily disposed of if families wished to dispose of it, and he, for one, failed to see what more was to be desired.

THE DUKE OF RICHMOND thought this a subject the importance of which could scarcely be overrated, and trusted that Her Majesty's Government would be able to furnish the Return asked for by his noble Friend. This, he thought, might easily be done through the agency of the Poor Law Board. A vast amount of ignorance existed in regard to the question, and it was surely time such ignorance was dispelled by means of documents possessing all the weight of Parliamentary Returns, and whose accuracy could not be disputed. There ought to be no alarm raised by such a Return as was asked for, because the rental need not be inserted in it, although even that was given in Scotland. In order to show the great errors into which the public might be led even by Government Returns, he would mention a fact brought under his notice by the noble Marquess sitting near him (the Marquess of Salisbury). According to the Census of 1861, the number of landed proprietors in Hertfordshire was only 245. The noble Marquess, however, doubted the accuracy of this statement, and after taking the trouble to investigate the matter for himself, he found that the

number of landed proprietors in the county of Hertford at that time, according to the rate-book, was 8,833. According to the Returns of 1861 there were 29,235 landed proprietors in England; but if a proportionate error prevailed over the whole country that prevailed in Hertfordshire, the actual number would be 994,338. He hoped the Government would see their way to granting the Return which had been moved for.

VISCOUNT HALIFAX said, his attention had been called, as had that of his noble Friend opposite (the Earl of Derby), to the absurd statements made in certain newspapers, and at some public meetings, respecting the wonderfully small number of landed proprietors in this country. The fact was, that very few persons were returned in the Census under the designation of "owners of land." He had looked over pages of the Census Returns of landowners. They appeared under various designations—"Gentlemen, merchants, shopkeepers, farmers, &c." Very few called themselves "landowners." Indeed, what the Census professed to give was the occupation of the persons enumerated, and the ownership of land was not an occupation. In fact, the Census Returns did not profess to give either the number of landowners or the amount of land which they held. He thought it exceedingly desirable, however, that the gross misrepresentations on this subject should be corrected. For statistical purposes, he thought that we ought to know the number of owners of land in the United Kingdom, and there would be no difficulty in obtaining this information. He held in his hand the valuation of a parish, giving the name of every owner, a description of the land, the estimated area, and the estimated rental, and such returns existed for every parish in England. He quite agreed with his noble Friend that it might not be desirable to give the rental, although he might remark that this was already done in Scotland. He had in his hand the valuation roll of the county of Edinburgh. He believed that in Scotland no objection had ever been taken to publishing the amount of rental; but it might not be desirable or necessary to do so in this country. What he proposed to do was to give a nominal list of every owner of land to the extent

of one acre or upwards in every county of England, together with the quantity of land which each owner has in the county. In regard to owners of less than one acre, he thought it would be sufficient to state their number in each county without specifying their names. The same process would be gone through in Scotland and Ireland. He hoped to be able to lay these Returns on the Table before the end of the Session.

THE MARQUESS OF SALISBURY urged that the 999 years leaseholds ought to be included in the Returns.

VISCOUNT HALIFAX said, that there would be great difficulty in ascertaining the precise tenure under which property was held. He quite agreed with the noble Marquess that owners of property held for 999 years, as well as land under similar tenures, should appear as owners—and he thought it might be done. The valuation lists, however, to which he had referred only gave information as to the ownership of land and the quantity owned. In his judgment, the best plan would be to treat as owner the person immediately above the occupying tenant.

THE EARL OF FAVERSHAM suggested that the Returns should give fair descriptions of the land, stating whether it was in cultivation, woodland, or moor.

VISCOUNT HALIFAX remarked that the Government could not undertake to state the description or quantity of the land. An attempt to do this would lead to inextricable confusion.

OFFICE OF THE CLERK OF THE PARLIAMENTS AND OFFICE OF THE GENTLEMAN USHER OF THE BLACK ROD.

Select Committee on, appointed and nominated: The Lords following were named of the Committee:

| | |
|------------------|-------------------------|
| Ld. Chancellor. | E. Granville. |
| Ld President. | E. Kimberley. |
| Ld Privy Seal. | Ld. Chamberlain. |
| D. Richmond. | V. Hawarden. |
| D. Saint Albans. | V. Eversley. |
| M. Lansdowne. | Ld. Steward. |
| M. Salisbury. | L. Colville of Culross. |
| M. Bath. | L. Redesdale. |
| E. Devon. | L. Colchester. |
| E. Tankerville. | L. Skelmersdale. |
| E. Stanhope. | L. Aveland. |
| E. Carnarvon. | L. Cairns. |
| E. Malmesbury. | |

Viscount Halifax

PRIVATE BILLS.

Standing Order Committee on, appointed and nominated: The Lords following, with the Chairman of Committees, were named of the Committee:

| | |
|------------------|------------------------|
| Ld. President. | V. Hawarden. |
| Ld. Privy Seal. | V. Hardinge. |
| D. Somerset. | V. Eversley. |
| M. Winchester. | Ld. Steward. |
| M. Lansdowne. | L. Cainoys. |
| M. Bath. | L. Saye and Sele. |
| M. Ailesbury. | L. Colville of Cairns. |
| M. Normanby. | L. Sondes. |
| E. Devon. | L. Digby. |
| E. Airlie. | L. Sheffield. |
| E. Hardwick. | L. Colchester. |
| E. Carnarvon. | L. Silchester. |
| E. Romney. | L. De Tabley. |
| E. Chichester. | L. Skelmersdale. |
| E. Powis. | L. Portman. |
| E. Verulam. | L. Belper. |
| E. Morley. | L. Ebury. |
| E. Strandbrooke. | L. Egerton. |
| E. Amherst. | L. Hylton. |
| Ld. Chamberlain. | L. Penrhyn. |

OPPOSED PRIVATE BILLS.

COMMITTEE OF SELECTION.

The Lords following; viz.,

| | |
|---------------|-------------------------|
| M. Lansdowne. | L. Colville of Culross. |
| Ld. Steward. | L. Skelmersdale. |

were appointed, with the Chairman of Committees, a Committee to select and propose to the House the names of the five Lords to form a Select Committee for the consideration of each opposed Private Bill.

House adjourned at a quarter before Nine o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 19th February, 1872.

MINUTES.]—New MEMBER SWORN — Wilbraham Frederick Tollemache, esquire, for Chester County (Western Division).

SELECT COMMITTEE — Law of Rating (Ireland), appointed and nominated; Diplomatic and Consular Services, appointed and nominated; Euphrates Valley Railway, nominated.

Report—Thanksgiving in the Metropolitan Cathedral. [No. 49.]

PUBLIC BILLS—Ordered—First Reading—Municipal Corporations (Borough Funds) * [53]; Bar of Ireland * [50]; Metropolis (Kilburn and Harrow) Roads * [57]; Bankruptcy (Ireland) * [50]; Imprisonment for Debt Abolition (Ireland) * [58]; Game and Trespass (No. 2) * [50].

Second Reading — Deans and Canons Resignation * [28].

IRELAND—IRISH RAILWAYS.

QUESTION.

MR. MAGUIRE asked the First Lord of the Treasury, If there be any truth in the statement which lately appeared in the Irish papers, that a Government official had entered into negotiations with the Directors of certain Irish Railways, with the view of ascertaining their value in case the Government were inclined to purchase the Railways of Ireland; if it be the fact that Captain Tyler, one of the Inspectors under the Board of Trade, did put himself in communication with the chairmen of certain Irish Railways, with the view to ascertain the price at which the Government might purchase the Lines they represented, and stated that he was authorized to make such inquiry; whether it has come to the knowledge of the Government, that, in consequence of the public statement as to the alleged action or intention of the Government, the value of Irish Railway Stock rose considerably within twenty-four hours after the appearance of the statement in the public Press; and, whether it is the intention of the Government to propose to Parliament any scheme for the purchase of said Railways, or if it be the intention of the Government to propose any scheme having reference to them?

MR. GLADSTONE: Sir, with regard to the two first paragraphs of the Question of my hon. Friend the Member for Cork (Mr. Maguire), I have to say it is quite true that Captain Tyler, one of the Inspectors of the Board of Trade, has been in Ireland on matters connected with his department; and it is also true that Captain Tyler, on going to Ireland, was not forbidden, but was indeed authorized to collect on his own account, and entirely on his own personal character, any information relating to Irish railways and the views of their proprietors which he might think to be interesting and important to the public. But he did not do this on the part of the Government with respect to any particular branch of the subject, and whatever the information he had collected might be, it could only be regarded as a portion of the discharge of his general duty to inform himself with reference to matters of public interest and importance in connection with his department. My hon. Friend will, therefore, understand

that there was no official communication whatever between Captain Tyler and any person connected with these Irish railways. I find there is a statement in an Irish newspaper which tends to confirm what I have now said. It is stated in that newspaper that on Saturday Mr. Haughton, the Chairman of the Great Southern and Western Railway, said at a meeting of the company in Dublin that an officer of the Board of Trade had waited upon him unofficially to ask for information about the company, but that he had not made any proposition whatever. I believe the statement in that report is perfectly correct. With regard to the rest of the Question, relative to the rise in value of Irish railway stock, in consequence of the newspaper report of the alleged action of the Government, I am not really aware whether the value of Irish railway stocks has participated in the rather healthful influences which seem to have been at work upon other railway stocks; but I need not point out to my hon. Friend that in a country where intelligence is not only freely circulated, but is more freely manufactured than any other article of trade, it often happens that stock rises in value in consequence of rumours and circumstances affecting it occurring. As to whether it is the intention of the Government to propose any scheme for the purchase of the Irish railways, that is a matter on which I have no announcement to make to Parliament.

MALTA—IMPORTATION OF FEMALE SLAVES.—QUESTION.

MR. GILPIN asked the Under Secretary of State for Foreign Affairs, If his attention has been drawn to the following statement from "The Friend of India," of November, 1871, as to slave girls imported into Malta in a British steamer:—

"The Malta Times," writing again with reference to the Lesant slave trade, mentions that 'The Abeasis,' a British steamer which arrived at Malta from Tripoli on the 8th of September, brought over nine black girls shipped as indigent ship passengers by a man named Hagg, and guarded by a military personage in uniform, carrying a long regulation sword. These poor creatures were carried to the same lodging-house in Strada Sant Ursola, where they were huddled up together in a back room during their stay, and fed on dry bread and melons. They were removed from this dungeon on the 11th of September for re-shipment

on board a vessel bound to Constantinople. On the same day 'The Trabulus Gari,' Ottoman steamer brought two or three more from the same port. It is believed that the fact of these frequent importations of large families, in spite of the vaunted laws against the traffic in slaves, has been brought under the official notice of Mr Frank Drummond Hay, British Consul at Tripoli."

and, whether any inquiry has been instituted and any steps taken to prevent a recurrence of this violation of British Law?

VISCOUNT ENFIELD: Sir, the attention of the authorities at Malta was called to the case mentioned in the papers quoted by my hon. Friend the Member for Northampton. Mr. O'Brien by the Colonial Office. They were, it appears, aware of the circumstances at the time, and the slaves were urged as is the custom to take the opportunity of being on British soil to recover their liberty. This they positively refused to do, preferring to proceed to their destination. Slaves discovered in this manner have, on other occasions, availed themselves of the offer of the Maltese authorities and have been maintained at the public expense. It would be well worth the attention of the House to put this subject to all three of the responsible Ministers. Their answer will be greatly interesting, and the best way to prevent similar cases from recurring.

proposed to make an order for his maintenance on the Union in which his parish of settlement was situated. The warrant was issued. the convict removed to Broadmoor, and an order made for his maintenance, which he believed had been paid for ever since. The fact, however, had only been brought to his knowledge by the Question put by his hon. Friend the Member for Mid Somerset.

Mr. Neville-Grenville, and on inquiry he found that if the prisoner, on his insanity being certified, had in the ordinary way been removed from the county prison to a convict prison, and thence to Broadmoor, the charge for his maintenance would have been an Imperial and not a local one. Strictly speaking, the charge was legally made on the local authorities; but it was not the usual charge, and he would take care that the Union should be relieved from it, and the charge borne in the ordinary manner in such cases.

SOUTH AND—SALE OF ORDNANCE MAPS.
MATERIAL.

Mr. MILLER asked the First Commissioner of Works whether he has made any arrangements for publishing the set of Ordnance Maps of Scotland, and what have been in progress during the last three years?

He added, I said that a plan had
been prepared for this purpose, and he
had no objection to its effect.

THE LITERATURE OF THE STUDENTS IN THE UNIVERSITY OF TORONTO

COLONEL HAMILTON asked
SIR WALTER. Since the War, Who-
ever Government having
the power of the Liegering Lieu-
tenants, has the power over the
Lieutenant General next the
Colonel, who has the power
over the Lieutenant General? Is it the
Colonel or the Lieutenant General?

...and the public
will be a subject of
concern which has received
the attention of the
Government.

FRANCE—DIFFERENTIAL SHIPPING DUTIES.—QUESTION.

MR. GRAVES asked the Under Secretary of State for Foreign Affairs, If the attention of Her Majesty's Government has been directed to the recent Act of the French Legislature for imposing differential duties on merchandise imported into France in Foreign Shipping; and, whether Her Majesty's Government have required that merchandise so imported in British ships should be placed on the same footing as if imported in the shipping of Austria, Belgium, Holland, Italy, Portugal, Germany, and others of "the most favoured Nations?"

VISCOUNT ENFIELD: Sir, Her Majesty's Government have been in communication with the French Government respecting the Act of the French Legislature referred to by the hon. Member for Liverpool (Mr. Graves). In reply, M. de Rémusat has assured Lord Lyons that the French Government do not intend to apply the new duties to jute, Indian cotton, or Australian wool, conveyed direct under the English or French flag. His Excellency has also repeated the assurance that the duties on merchandise of British origin or manufacture shall not exceed the prescribed tariff of the Commercial Convention of 1860. Her Majesty's Government are in constant communication with the French Government respecting the application to British shipping of the Customs' duties imposed under the recent Marine Merchandise Law.

CIVIL SERVICE—CLERKS OF THE ECCLESIASTICAL COMMISSION.
QUESTION.

COLONEL BERESFORD asked Mr. Chancellor of the Exchequer, Whether the clerks on the Ecclesiastical Commission who, in consequence of the reorganization of the establishment have been placed on the Redundant List, will be allowed the option of retiring, having their pensions commuted on the terms granted in similar cases in other offices?

THE CHANCELLOR OF THE EXCHEQUER said, the Commutation Act only applied to services which were paid for out of monies provided by Parliament. The salaries and pensions of the clerks of the Ecclesiastical Commission were paid not by Parliament, but out of the

monies of the Commission. Consequently, the Commutation Act did not apply to those clerks. Indeed, it would be obviously unfair that pensions borne by one fund should be commuted out of another.

JUDICATURE COMMISSION—COUNTY COURT JUDGES AT LIVERPOOL.
QUESTION.

MR. TREVELYAN asked the First Lord of the Treasury, Whether it is the intention of the Government to fill up the vacancy caused by the recent death of a County Court Judge until the Report of the Judicature Commission has been made public?

MR. GLADSTONE said, he understood that the business of the County Court at Liverpool was very heavy, more heavy than to admit of its being disposed of by one single Judge, there being now two Judges actually engaged upon it. He was not giving a positive opinion on the matter, but only reporting the information he had received from those who were well-acquainted with the subject. He could not say that the office would not be filled up before the Report of the Judicature Commission was made public; but it would not be filled up without consideration as to what other changes might be properly made in those arrangements. The intention was to see whether it was possible to effect some adjustment of districts which might lead to improved arrangements for the transaction of that business. He hoped—although he could not say positively—it would not be necessary that there should be any delay in the matter.

SCIENCE AND ART—NATURAL HISTORY MUSEUM AT SOUTH KENSINGTON.
QUESTION.

LORD ELCHO asked the First Lord of the Treasury, Whether a Vote of £30,000 on account having been taken at the close of last Session for the erection of a Natural History Museum at South Kensington, according to a design of Mr. Waterhouse, he would, before proceeding with the work, cause this design to be exhibited along side of the three designs by the late Captain Fowke, Professor Kerr, and Mr. C. Broderick, respectively, which were

selected, after public competition by the Commission appointed by the Treasury in 1864, to award the prizes for the best designs for a new Natural History Museum: and, whether, as these designs were exhibited to the Public in the Victoria Gallery, while the design of Mr. Waterhouse has not been obtained by any public competition, and has only been seen by a few Members of the House of Commons, where it was exhibited in the Library at the fag end of the Session, he will choose some more public place for the exhibition of the designs?

MR. GLADSTONE said, that a Vote of £30,000 on account having been taken at the close of last Session for the erection of a Natural History Museum at South Kensington, according to a design of Mr. Waterhouse, it had become the duty of his right hon. Friend the First Commissioner of Works to proceed in due course to give effect to the intention of Parliament—namely, that the building should be erected. For that purpose specifications had been drawn, and contracts entered into. They had, therefore, got beyond the point when the designs of the late Captain Fowke, Professor Kerr, and Mr. C. Broderick, respectively, might be exhibited alongside of Mr. Waterhouse's before proceeding with the work, as desired by his noble Friend.

INDIA—SERVICES OF THE LATE VICE-ROY—PUBLIC RECOGNITION.

QUESTION.

MR. OSBORNE: Sir, I beg to ask the First Lord of the Treasury, If Her Majesty's Ministers will take into their consideration the propriety of making some public recognition of the services of the late Viceroy of India, barbarously murdered while in performance of public duties?

MR. GLADSTONE: Sir, I may remind the House that as yet we have received no information respecting the murder of the late Viceroy of India beyond that which has been made known to the public in the telegram which I read to the House the other evening: and, therefore, I am by no means prepared to say what particular course it may be the duty of my noble Friend the Secretary of State for India or for the Government to take when they are in

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possession of full information of the circumstances of the case. However, I have no doubt in some form the question is likely to merit, and will receive, due consideration, and I may say my noble Friend has already taken the matter in hand, and will be prepared to give it practical consideration when he receives full information upon the subject.

PARAGUAY—APPOINTMENT OF A CONSUL AT ASSUNCION.—QUESTION.

MR. M·ARTHUR asked the Under Secretary of State for Foreign Affairs, Whether, in order to protect British interests in the present unhappy condition of Paraguay, it is the intention of Her Majesty's Government to appoint a Consul at Assuncion?

VISCOUNT ENFIELD: Sir, there is, I believe, no question at present with regard to the appointment of any Consul at Assuncion; but I am glad to inform the hon. Member for Lambeth (Mr. M·Arthur) that from information recently received it would seem that Paraguay is recovering from her disasters, and Senor Falcon, the Paraguayan Minister for Foreign Affairs, has just announced that a Constitutional Vice President has been elected, and that his appointment is looked upon as a guarantee for the prosperity of the Republic.

IRELAND—LAW OF BANKRUPTCY.

QUESTION.

MR. FITZ asked Mr. Attorney General for Ireland. Whether it is the intention of the Government to introduce during this Session of Parliament any Bills for the amendment of the Law of Bankruptcy, and for the Abolition of Imprisonment for Debt in Ireland; and, whether, if such be their intention, he will undertake to lay those Bills upon the Table sufficiently early in the Session to afford time for their full consideration in Committee, and so that there may be some hope of their becoming Law?

THE ATTORNEY GENERAL FOR IRELAND (Mr. Dowse) said, that there would be no delay on the part of the Government in introducing a Bill to amend the Law of Bankruptcy in Ireland, and also for the Abolition of Imprisonment for debt.

NAVY—COMMITTEE ON DESIGNS.

QUESTION.

MR. CORRY asked the First Lord of the Admiralty, Whether he has received any written Communication from Sir Spencer Robinson relative to the Report of the Committee on Designs; and, if so, whether he would lay it upon the Table of the House along with that Report?

MR. GOSCHEN replied, that he had received the communication from Sir Spencer Robinson on the subject, and that it would be placed in the hands of hon. Members as soon as possible; probably to-morrow, simultaneously with the Report.

AMENDMENT OF THE HIGHWAY ACT.

QUESTION.

MR. STOPFORD-SACKVILLE asked the Under Secretary of State for the Home Department, Whether it is his intention during the present Session to introduce any measure to amend the Highway Act in accordance with the Special Report of the Select Committee on Turnpike Trusts Bill, 1867?

MR. WINTERBOTHAM said, that a measure had been prepared, but at the request of the Local Government Board it would be postponed till next Session, as the Local Government Bill of the present year would enable the Board to deal with the Highway question more thoroughly next year.

REMUNERATION OF LAW OFFICERS OF THE CROWN.—QUESTION.

MR. FAWCETT: Sir, I beg to ask the First Lord of the Treasury, Whether it is true, as reported in the public journals, that certain new arrangements have been made in reference to the remuneration of the Law Officers of the Crown; whether, if it has been correctly stated that they are in future to be paid by fixed salaries, he will inform the House from what fund the salaries are to be provided, and to what purpose the fees they have previously received will be devoted; and, whether the Government either has attempted or will attempt to introduce any changes into the present system, under which it is possible for the Law Officers of the Crown to

devote nearly the whole of their time to private practice?

MR. GLADSTONE: Sir, I cannot pretend to enter into sufficient detail to give a satisfactory answer to the first two branches of the Question of the hon. Member for Brighton, but they will be found set forth in the Minutes of the Treasury about to be presented to the House. The new arrangement, moreover, will involve the salaries being voted annually in the Estimates. The House will be asked to vote the salary of the Solicitor General for Ireland for the present year. It is true that the new arrangement has been made, and it will result in a saving to the public; and with regard to the last part of the Question, the Government have not made, nor have they attempted to make, any change in the present system with regard to the private business of the Gentlemen referred to.

TREATY OF WASHINGTON—

THE "ALABAMA" CLAIMS.

OBSERVATIONS. QUESTION.

MR. DISRAELI: Sir, I should be scrupulous not to ask any Question at the present moment which bore upon the controversy which unfortunately exists between Her Majesty's Government and that of the United States, but the Question I am about to put does not involve the merits of that controversy. It, however, relates to a matter upon which great public interest is excited, and it refers to the time and to the circumstances under which the American Case was first received by Her Majesty's Government. I understood from the right hon. Gentleman at the head of Her Majesty's Government, on the first night of the Session, that he had then been in possession of the Case about a month, and that it had been printed for the use of Members of the Cabinet. Since then a statement has been made—and I believe with authority—that the American Case came into possession of the Government about the middle of December, and that within 48 hours after the first copy of it was transmitted to the Government a sufficient number of copies were also forwarded for the use of the Cabinet. Under these circumstances, I think it would be very interesting to the country if the right hon. Gentleman would more precisely inform the House

as to the time and as to the circumstances under which the American Case was first brought before Her Majesty's Government?

MR. GLADSTONE: Sir, such a statement would, no doubt, be very interesting; but it would be also extremely convenient if, with respect to a Question of this kind, involving dates, numbers, and the time of receiving documents, some Notice were given. If the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) will have the kindness, in compliance with the ordinary usage, to give the customary Notice, I will take care that the best information we may possess on the subject is given to him. As regards the particulars of his Question, therefore, I think I had better not attempt to enter upon them at the present moment. It is, however, a matter that it will be perfectly fair to make a subject of general discussion should the right hon. Gentleman see fit to bring it forward on some future occasion. Having said that much, I am anxious to make an addition to the Answer I made the other day in reply to a Question of the noble Lord opposite (Lord John Manners), with reference to a letter of Mr. Justice Willes, which bears upon the subject of this night's debate. Mr. Justice Willes himself is anxious that a rather fuller statement of the case should be made, and he has supplied it in his own words, which, with the permission of the House, I will read. The statement of the learned Judge is to the following effect:—When Sir Robert Collier was appointed he communicated the fact to the learned Judge, who answered, congratulating him upon his promise of well-earned repose, and afterwards told him in conversation that from the time the Act passed he thought it probable he would be appointed. So matters rested for two months, during which Mr. Justice Willes had no communication with the Lord Chancellor or with Sir Robert Collier. On the 22nd of January Sir Robert Collier wrote to Mr. Justice Willes, stating that he had mentioned what the latter had said to the Lord Chancellor, who wished to be allowed to make use of his communication, as a proof that notwithstanding the Lord Chief Justice's letter, the Judges were not unanimous in condemning the legality of the appointment. In answer

to that letter, Mr. Justice Willes wrote on the 24th of January to Sir Robert Collier, setting forth his views on the matter, and stating that he did not doubt the legality of the appointment, and that he had anticipated its being made. That letter was meant for Sir Robert Collier and his friends, including the Lord Chancellor. On the 5th of February the Lord Chancellor wrote to Mr. Justice Willes, asking whether he might make use of that letter in the course of the debate in the House of Lords, and the latter consented to his doing so, and that letter has since been published in the proceedings of the House of Lords.

MR. DISRAELI: Sir, the Question which I just put to the right hon. Gentleman at the head of Her Majesty's Government is substantially the same which I put to him on the first night of the Session; and, therefore, I presumed, with such an interval, it was not necessary to give him any previous Notice.

MR. BOUVERIE: Sir, I also wish to put a Question to the right hon. Gentleman at the head of Her Majesty's Government, having reference to the debate on the first night of the Session. A letter has appeared in *The Times*, dated the 15th of February, purporting to be a letter addressed by the right hon. Gentleman to the correspondent of a New York paper. I wish to ask, Whether that letter is a genuine one?

MR. GLADSTONE: Yes, Sir; that letter was written by me. The gentleman to whom it was addressed—Mr. Girard—I think that is his name—wrote to say he wished to have an interview with me. I intimated to him that I regretted it was not in my power, under the pressure of business at the moment, to offer him an interview; but said that if he would be good enough to put on paper the information he required from me, and if I could give it him, he should have it. He then wrote to say that words which it was understood had fallen from me had been much misapprehended with reference to the title of the American Government to put a certain construction on the Treaty of Washington, and that he should be glad if I would state the effect of what I had really said. In consequence of that I wrote the letter which has appeared in the public journals, dated, I think, February 15.

Mr. Disraeli

**THANKSGIVING IN THE METROPOLITAN
CATHEDRAL COMMITTEE.**

REPORT.

Report brought up, and read.

Motion made, and Question proposed,

"That the House be represented at the Thanksgiving at St. Paul's Cathedral on the 27th instant by Mr. Speaker; and that each Member be admitted to the Cathedral by Ticket."—(Mr. Ayton.)

MR. KAY-SHUTTLEWORTH asked what accommodation would be provided for ladies?

MR. AYRTON said, that of course no reference was made in the Report of the Committee to a matter which was quite foreign to their business. The Committee had only to comply with the commands of the House, which referred only to the mode in which hon. Members of the House should attend the Cathedral; but he was happy to say, for the information of hon. Members, that the Lord Chamberlain would have great pleasure in placing tickets at the disposal of the wife of any hon. Member wishing to accompany her husband, by applying on or before the 22nd instant. The application would have to be made to the Speaker's Secretary in precisely the same way as hon. Members might apply for their own tickets. The ticket issued for the wife would not be transferable any more than the tickets issued to hon. Members. Perhaps the House would allow him to state that, so far as he was aware, on no former occasion had any arrangement been made extending beyond hon. Members of the House, and therefore it was a very great—he would not say concession, but compliance with the desire expressed, and he hoped that hon. Members would think that in extending the grant of tickets to the wives of hon. Members, as much had been done as could be accomplished.

MR. KAY-SHUTTLEWORTH asked whether ladies would be admitted to the steamers?

MR. AYRTON said, the arrangements would, of course, extend to ladies, who would be able to go by the steamers and come back by the steamers; and the space reserved for the use of the House in the Cathedral would be large enough to enable ladies who received tickets to sit with their husbands.

MR. CRAUFURD inquired whether Members applying for tickets for their

wives would be bound to produce their marriage certificates?

MR. J. B. SMITH asked whether, in cases where the wives were invalids, their daughters could take their place?

MR. AYRTON said, that he was not able to make any arrangement more extensive than that which had been communicated to him by the Lord Chamberlain; but so far as he was aware, the same arrangements would be made for this as for the other House—tickets there being limited to Peeresses.

MR. MONTAGUE GUEST asked whether a Member not having a wife would be allowed to take a sister?

Motion agreed to.

Resolved. That the House be represented at the Thanksgiving at St. Paul's Cathedral on the 27th instant by Mr. Speaker; and that each Member be admitted to the Cathedral by Ticket.

Orders of the Day read, and postponed till after the Notice of Motion relative to the Judicial Committee of the Privy Council.—(Mr. Gladstone.)

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL—APPOINTMENT OF SIR ROBERT COLLIER.—RESOLUTION.

MR. ASSHETON CROSS, in rising to move—

"That this House has seen with regret the course taken by Her Majesty's Government in carrying out the provisions of the Act of last Session relative to the Judicial Committee of the Privy Council: and is of opinion that the elevation of Sir Robert Collier to the Bench of the Court of Common Pleas for the purpose only of giving him a colourable qualification to be a paid member of the Judicial Committee, and his immediate transfer to the Judicial Committee accordingly, were acts at variance with the spirit and intention of the Statute, and of evil example in the exercise of judicial patronage."

said, he wished, first, to thank the right hon. Gentleman at the head of Her Majesty's Government for having given him the opportunity of bringing on this Motion on the present occasion, and he (Mr. Cross) assured him that, had he been more fortunate in securing a place on the first evening of the Session, he should have fixed a Tuesday evening, so as to avoid interfering with the Government Business fixed for to-day. At the outset, he wished to state the exact nature of the charge he had put upon the Paper. It was not his intention to find any fault with the fitness of Sir Robert Collier for a judicial office apart from that to which he had been

appointed. Long a Member of that House, and for some time holding high office, by his general courtesy and the way in which he discharged the high duties entrusted to him in that House, he won the esteem and regard of hon. Members on both sides. Although, therefore, it might unfortunately be his duty to make an observation upon one act of his in the course of that transaction, he should endeavour to do so in such a way as would not hurt Sir Robert Collier's feelings or those of any of his Friends here or elsewhere. He also wished it to be understood that, in speaking upon this particular Motion, he had no intention of questioning the actual legality of his appointment to this particular office. Being for all practical purposes a layman, he should never have thought of arguing a question of law with the hon. and learned Gentleman opposite (Sir Roundell Palmer), who had charge of the Amendment to be proposed in opposition to the Motion he was about to make. Whether it would ever be tested at any other time, or whether some parsimonious Chancellor of the Exchequer might ever be tempted to dispute Sir Robert Collier's salary, or the pension to which he would be entitled, founded originally, as it was, solely upon a fortnight's sitting in the Court of Common Pleas, were matters with which, at the present time, neither himself nor the House had anything to do. He would proceed, therefore, to state the exact nature of the charge which he thought might fairly be brought against Her Majesty's Government. The terms of his Motion were, that the acts were—

"At variance with the spirit and intention of the Statute, and of evil example in the exercise of judicial patronage."

He was aware that the words "evasion of the statute" had been treated by some persons of high authority as sensational language, and, therefore, in a very few words, he wished to put a construction upon them which he thought could hardly be mistaken. What he meant was, that when the Bill, which eventually became an Act, and under which Sir Robert Collier was appointed, was introduced, it was represented by the Government to contain, and was believed by the House to contain, certain safeguards as to the class of persons who were to be appointed to that office. The Go-

vernment represented those safeguards as contained in the Bill to have, and Parliament believed them to have, a certain meaning and interpretation. During the whole course of the debates in that House the whole matter was argued out on that understanding, and if Parliament had not believed those safeguards to have existed, and to have had that meaning, they would not have passed the Bill in the form in which it was passed. But subsequently, when the Government came to make the appointment in question, they discovered that the words of the clause would bear another interpretation which Parliament had never put upon it, because by that interpretation those safeguards which both Houses believed to exist were practically done away with. The Government, therefore, for all practical purposes, at all events, had committed a sort of breach of faith with Parliament in appointing Sir Robert Collier to his present office. Now, he did not believe that could be termed a sensational way of dealing with the subject. Lord Chief Justice Cockburn, in his letter to the Lord Chancellor, said that though the appointment might be strictly within the words of the Act, yet it was at variance with the intention of the Legislature, and was in that sense an evasion of the statute. That, then, he (Mr. Cross) said, was an act of great indiscretion on the part of Her Majesty's Government. It was a very grave error of judgment. It set an evil example in the exercise of patronage. And if that was so, in spite of the Amendment which the hon. and learned Member for Richmond had put on the Paper, in his humble judgment it deserved the condemnation of this House.

Would the House bear with him for a moment while he endeavoured to recall to their memory the original constitution of the Judicial Committee of the Privy Council. The House must be well aware that the Indian appeals and the Colonial appeals always came before the Privy Council, and that they had, so to speak, original jurisdiction in the matter. In 1832 the duties of the High Court of Delegates in connection with ecclesiastical and maritime affairs was transferred to the Privy Council, which body had then very large functions to perform; and it was thought necessary to provide that instead of the appeals being heard

before the Council at large, there should be a Judicial Committee for hearing these matters, and in 1833 an Act was passed, which had very great bearing on the present case. Under that Act it was provided that the Judicial Committee should consist of two classes of persons. In one class there was to be a large body of persons who were from their position, judicial training, and long experience as Judges, set apart to provide the main body of the Judicial Committee of the Privy Council. That body was to consist of the Lord President, the Lord Chancellor, the Lord Chief Justice, and the Judges of the Superior Courts at Westminster, provided they were Privy Councillors, and of those who had occupied the said offices, provided they also were Privy Councillors—that was to say, they were either the very picked men of those who were appointed Judges for the purpose of acting and continuing to act as *bona fide* Judges, or who having long acted as *bona fide* Judges, had retired from office. As to the other class of which the Judicial Committee was composed, the Crown had the power, under that statute, of appointing two other persons who were not expected to have filled those judicial functions, but who for other reasons were fit to sit upon that Bench. For a long series of years that Committee disposed of appeals of great magnitude from all parts of the world, and no other Court in the kingdom had ever had the weight which the sentences and judgments of that Committee had had, which was chiefly owing to the constitution of that Committee, and the long judicial experience of its Members. Their decisions were quoted not only in England, in the Colonies, and in India, but in America also. But by degrees the number of appeals increased so largely that it was found the Court was not able to keep down the number of appeals that were brought before it. The appeals got very largely in arrear, and the appellate jurisdiction, which in his (Mr. Cross's) belief was one of the strongest bonds of union between the Colonies and this country, was likely to fall into discredit owing to the great length of time before colonial appeals were determined. With a view, therefore, to prevent such a probable calamity, it was wisely determined by the Government that they would attempt to afford some remedy for that

purpose, and accordingly in 1870 a Bill was brought into the other House of Parliament to alter the constitution of the Judicial Committee, to enable that body to sit more constantly than the late Judicial Committee had been able to sit, and thus to clear off those appeals that had been accumulating for so long a time. He was afraid he would be obliged to trouble the House with the provisions of that Bill, and in doing so he could not but say that he believed the Bill was shaped with an honest desire to form an effective judicial tribunal, but that it failed in consequence of the parsimonious spirit in which it was framed. It provided that there should be added to the Judicial Committee the Chief Justices from India, the Members of the Legal Council of India, and Judges who, having served 15 years on the Bench in England, would be tempted to retire by an addition to their pensions of £1,500 a-year. There was also a provision which contemplated that by giving some compensation to Judges who had only been 10 years on the Bench they might be tempted to retire in the same way. But there was one provision in that Bill which would have vitally altered the constitution of the Judicial Committee. For the first time it was proposed by the Government that they should be allowed to appoint such members of the Bar as, in their discretion, they might think fit to be Members of the Judicial Committee, and to give them such a salary as might induce them to take that office—namely, £2,500 a-year. That was a breaking down of the old constitution of the Judicial Committee, composed, as it formerly had been, of men of tried judicial experience. He must repeat that the Government, actuated simply by reasons of economy, proposed to take from the Bar men whom they thought fit, and to give them a smaller sum than they paid the Judges. How was the proposition received by the House? The House said that they would not give the Government the discretion that they asked. They said that if they did, the tribunal would be turned into a third-rate tribunal, and the right hon. Gentleman the Secretary of State for the Home Department, who had charge of the Bill at the time, was obliged to say, even on the second reading, that it was a proposition which he dared not put before the House; and

therefore he withdrew it, because he knew that if it remained in the Bill the measure would not be read a second time. But there were hon. Members who sat opposite to him, who invariably supported the Government, whose observations in the course of the debate on that Bill he should like to place before the House. The first hon. and learned Member to whom he would appeal was one who, judging from the part which he took when the Ballot Bill was before the House last Session, enjoyed the confidence of Her Majesty's Government—he meant the hon. and learned Member for Taunton (Mr. James.) What course that hon. and learned Gentleman might take in this debate, or what views he now held, he would not presume to say; but during the debate on the Bill of 1870 these were the hon. and learned Gentleman's words—

"With the greatest respect for Mr. Maine, a gentleman whose great learning was admitted, he could not think that the proposal to put among the Judges of the Judicial Committee a gentleman who had had no judicial experience was at all satisfactory."—[*3 Hansard*, cciii. 1715.]

But the hon. and learned Member for Taunton was not alone among the supporters of Her Majesty's Government in that opinion. The hon. and learned Member for Denbigh (Mr. Watkin Williams) said he

"Entirely objected, as a rule, to appointing men to the highest Court of Appeal who had not proved by service on the Bench that they possessed temper, judgment, discretion, patience, and those judicial qualities which could only be tested by actual experience."—[*3 Hansard* cciii. 1713.]

And although the clause relating to barristers was taken out of the Bill, still the opinion of Parliament was so strongly against it that the Government, having on one of the divisions had only a majority of 2, withdrew that, like other measures of the Home Secretary, at the fag-end of the Session. But, after all, the warning was given to the Government that in any proposition to alter the constitution of the Judicial Committee of the Privy Council Parliament would not give them even the discretion to appoint any man, however fit, unless he had, besides other qualifications, the qualification also of judicial experience. Well, by the Bill introduced the Session following, and which afterwards became law, it was provided that Her Majesty, within 12 months after the passing of the measure, might by Warrant under

the Sign Manual appoint four persons qualified as in that Act mentioned—that was to say, they were to be men who at the date of their appointment were or had been Judges of one of Her Majesty's Superior Courts at Westminster, or Chief Justices of one of the High Courts of Judicature in India. Now, could any person, after reading these words, come to any other conclusion than that Parliament meant that the persons to be appointed should be *bona fide* Judges? Under the old Act of William IV. there were, as he had said, two classes which composed the Judicial Committee—the great body of the Members was to consist of Lord Chancellors, Lord Chief Justices, and Judges and ex-Judges, if Privy Councillors; and there were afterwards added Vice Chancellors, Lords Justices, and, with a view to ecclesiastical causes, the Archbishops—men who had been *bona fide* appointed to act as Judges, or having so acted for many years had retired from office; and the other class was to consist of two laymen, so to speak, who might be appointed by the Queen. The present Act was to put the Judges on all fours with the old Act of William IV. No person reading this Act, and comparing it with that of William IV., could ever come to the conclusion that an entirely different thing was intended under the one from that under the other. And was not the sole intention of the Act of last Session not to change the class of Judges, but, by giving salaries, to secure the regular attendance of certain Judges of the same class, of which they otherwise could not be sure? He believed what was meant by Parliament was this—that it would put a restriction upon the choice which Her Majesty might make under the Bill: that the qualification waste be a real qualification—that was to say, it was not to be the *status* of the man. They were to be "specially qualified." It was not like saying the man was to be a voter, ratepayer, or householder, or, as in the appointment of a magistrate, that he was to have an estate of £100 a-year; but that he should be in such a position that he could not, for the purposes of the appointment at the time, acquire the qualification. What was meant was, that by his knowledge, his learning, his abilities, he should have gained a certain position, and should have acquired experience in that position. He was to

have such a position, that the Queen could not put him into it at the time she made the appointment, but he was to have got it independently beforehand. That, he understood, was what was meant in the letters of the Lord Chief Justice of England, and of Lord Chief Justice Bovill. The Lord Chief Justice of England said—

"Whether wisely or unwisely, it plainly was not intended that the selection should be made from the Bar. It was to be confined to those who were already Judges, and who, in the actual and practical exercise of judicial functions, had acquired and given proof of learning, knowledge, experience."—

Almost following the words used by the hon. and learned Member for Denbigh, in the debate of 1870—

"And the other qualifications which constitute judicial excellence."

And in the language of Chief Justice Bovill—

"The manifest and expressed intention of the Legislature was, that the new Judges of the Privy Council should be men of tried judicial experience, and that this had been clearly indicated not only by the language of the Statute itself, but by the debates in Parliament."

If that were not so, he should like to ask, if the Queen could appoint a practising barrister to the office in the face of the Act which showed that Parliament never intended that she should do so, what was the use of the clause in the Act respecting special qualifications in that case? Why, such clause would, under those circumstances, be mere verbiage or surplusage, without having any practical effect. He would say boldly that not only did Parliament mean that there should be a special qualification, but that when the Bill was brought in, the Government themselves meant it, and had no other intention. What was their language on the occasion? It was, that when the Judicial Committee was constituted, it would be formed with the view of having the assistance of Judges of the Superior Courts who had retired upon pensions, and who would be willing to take upon themselves the duties of Judges, in consideration of certain salaries which were to be given them under the Bill. And what was the language of Sir Robert Collier, himself then Attorney General? He, having charge of the Bill, said that—

"The provisions of the Bill were very plain and simple, and very much what had been indicated by some hon. Members during the debates of last Session."

Why, one of the things indicated by every hon. Member of the House was that no practising barrister should be appointed. The hon. and learned Gentleman went on to say—

"The appointment being limited to persons who may be assumed to be of high judicial authority, all these four members were to be Judges or ex-Judges."

What language could be stronger? Could any one suppose that, after such language, the Government could have meant the Judges referred to were to be created Judges merely for the purpose of passing them on to the Privy Council? He affirmed, then, that when the Government brought in the Bill it was their intention, as well as the intention of Parliament, that the persons to be appointed should be *bona fide* Judges, and he firmly believed that such was the construction put upon it by the Attorney General in this House, and the Lord Chancellor in the other House of Parliament. At all events, they either meant it so or they did not; he had taken the more charitable view, and had supposed that they had so meant it. But if the Government would contend here to-day that such was not their intention, then he feared that he should be obliged to fall back on language which he should be very reluctant to employ, were it not put into his mouth by one who had written strongly on the subject on the side of the Government—he meant Mr. Justice Willes. That learned Judge said—

"Whether Parliament was surprised into passing the Act by any suppression, for which its framers are answerable, is a political question with which I decline to meddle—Parliament must decide that for itself."

He (Mr. Cross) certainly would not have ventured upon these words himself; but if Parliament did not mean what he contended for when it passed the measure, Mr. Justice Willes's language just quoted would be applicable to the conduct of Government. But he contended that, not only Parliament, but the Government intended that the persons to be appointed should be taken from Judges or ex-Judges. The whole subject was, in fact, argued out on that supposition. A question was raised whether Judges would take the office on account of the difficulty of providing for their clerks, or whether a Judge would be content to be a Privy Councillor, from which office he might be removed by the Queen by a

stroke of the pen. In short, in whatever way the question was looked at, it would be seen that Parliament when discussing it never contemplated that the Bill should be applied to any but *bona fide* Judges. It had been said by the Government—and he was astonished to hear of such a defence—that when the Bill was brought into the other House it contained certain safeguards which were struck out in this House. Now, there was no foundation for that statement, for he had compared the Bill as originally introduced, and also as it came down to this House, with the Act which was passed, and he maintained that no safeguard existed in the Bill which was not retained in the Act; neither was any qualification required lessened in the slightest degree. There was no inducement in the Bill to old experienced Judges to retire to the Privy Council which was not in the Act, and there was no inducement to younger and less experienced Judges so to retire in the Act which was not also in the Bill as originally introduced. When the Bill was brought into the House of Lords the Government intended that there should be four paid Members of the Judicial Committee, consisting of two English and two Indian Judges; but it was seen that the proposed scale of pay would produce a very unequal division of salary among Members of the Judicial Committee, because the English Judges would receive £5,000 a-year, while Indian Judges, or persons who were not Judges at the time of their appointment, would only receive £1,500 in addition to their pensions; and therefore persons who performed exactly the same work would receive very different salaries. It was felt that this would not be a proper arrangement, and the consequence was, that the House of Commons said—"You shall all have £5,000 a-year, whoever you are, including your pensions." That was the whole alteration made by the House of Commons; the Bill did not contain a single security for the qualifications of the Judges which did not exist in the Act; and the House of Commons had in no way lessened that security. On the contrary, so far as the security was altered at all, it was strengthened, because the House of Commons insisted that the tenure of the paid Members of the Judicial Committee should be such as to induce the older

Judges to go upon the Committee, and required that they should be only removable by an Address from both Houses of Parliament, and not merely at the pleasure of the Crown. Again, in the House of Lords, whereas the original proposal was that the Indian Judges might be Puisne Judges, the clause was altered, and the only Indian Judges eligible were Chief Justices. Therefore, Parliament intended not to reduce the qualification, but to add to it, in order to secure the appointment of the best Judges.

That being so, and the Act being passed, what was the conduct of the Government respecting it? They first applied to some noble and learned Lord, who declined the appointment; then to Sir James Colvile, an Indian Chief Justice, who accepted it; and next to two Judges of some note, who refused it on the question of the clerks' fees. Then the Government applied to a third Judge, Sir Montague Smith, who accepted the appointment. Having thus got one Indian and one English Judge, they very wisely determined to adhere to their original plan of having two Indian and two English Judges. They had appointed Sir James Colvile; they had Sir Barnes Peacock in their minds as the other Indian Judge; they only wanted another English Judge; and then Sir Robert Collier stepped upon the stage and said—"I am willing to take the post;" so they made him a Privy Councillor, passed him through the Court of Common Pleas, and then made him a paid Member of the Judicial Committee. These were the facts of the case. [Mr. GLADSTONE: No!] At all events, they were the facts as represented by other Members of the Government. The discovery had been made that the Act would bear a construction differing from that put upon it by Parliament; and Sir Robert Collier was made a Judge of the Court of Common Pleas for the purpose of being passed on to the Judicial Committee. The Lord Chief Justice very properly called that a colourable appointment to the Judgeship. The House would bear in mind that at the moment he so stepped forward Sir Robert Collier was a practising barrister—the very kind of man whom the House of Commons had in 1870 told the Government they should not have the discretion to appoint. Suppose they had appointed all four Judges

in the same way, the whole of them passing through the Court of Common Pleas one after the other, like Banquo's ghost—unreal Judges, mere shadows, colourable appointments made for the purpose of giving each of them the requisite technical qualification. If such had been the case, he doubted whether the hon. and learned Gentleman (Sir Roundell Palmer) would have undertaken the defence of the Government. Mr. Justice Willes, in defence of the Government, said they had acted legally. No one doubted that they had done so; but in saying so, Mr. Justice Willes did not carry the case one step farther on that head than if he had never written the letter. He could not help regretting that, as the letter of Mr. Justice Willes had been published at all, the House had not before it the expressions which were thought by Mr. Justice Willes himself "too lively for public reading." The learned Judge, however, said—

"The practical objection is to the Statute itself for not providing a sufficient inducement to the Judges to accept the office, because of making no provision or compensation for their existing staff. Upon this ground I thought from the beginning that the framers of the Act must have contemplated the appointment of Sir Robert Collier, or some other newly-appointed Judge, in the event of Judges of older standing declining the office."

No doubt it was quite open to the Government to have passed over such, and to have appointed junior Judges, though such appointment, if legal, would have been questioned by the profession. But this was an appointment of a totally different kind. Mr. Justice Willes said he always expected that Sir Robert Collier might have been appointed. Now, see how illogical—nay, how absolutely impossible—this is. The number of Judges was limited, for the Queen had no more power to appoint an extra Judge than she had to appoint a whole body of Judges, or remove them from their office. Suppose Sir Montague Smith had not accepted the appointment. At that time there was only one other vacancy—in the Court of Queen's Bench, which the Government had for State reasons steadily declined to fill for two years, in spite of the remonstrances of the Lord Chief Justice, and, therefore, for all practical purposes, that vacancy did not exist. That being so, how could it have been the intention of the Government to appoint Sir Robert Collier? The Bench

was then full, and the Government could not have made any practising barrister even a Judge, much less appointed him to a seat on the Judicial Committee, for there was no Judgeship vacant to which he could have been appointed so as to give him even his "special" though colourable qualification. Now, what was the real defence of the Government? It was said that there was great difficulty in getting Judges to accept this office on account of there being no provision made out of the Treasury for their clerks. One word, then, first on the question of the Judges' clerks. The Judges had £5,000 a-year on the understanding that they were to pay the expense of their circuits, which amounted to some £600 a-year. Against this, they had provided for them a clerk at a salary of £600 a-year, who was usually the clerk who had been with them when practising; and besides this, they had an additional clerk at a salary of £400. As the circuit expenses would be done away with, the Judge would gain £600 a-year by going to the Privy Council, so that the only point of difference would be the junior clerk at £400. No doubt the Judges made some remonstrance on this head when the Bill was passing through the House; but it could not be presumed that they were conspiring among themselves to oppose it in its passage, and to frustrate its operation afterwards, and the Government had stated that all that they had tried to do was "to frustrate the frustrators of the law"—namely, the Judges. Much had been said, about condemning persons unheard; but he had heard with the greatest possible regret the words of the noble Duke (the Duke of Argyll) in "another place," when he said—"Order!" He was quite aware he had no right to refer to the speech; but Sir William Erle, it was reported, had said the other day that care should be taken to prevent technicalities doing injustice, and he did not think that in this instance a technical rule should prevent a protest being entered against the noble Duke's speech, in which he virtually asserted that the Judges of England were practically joined in a conspiracy to defeat the intentions of the law, and on this ground they stepped in and strained the Act of Parliament. The action of the Government, however, had been very consistent, for

In another analogous case of an appointment restricted by Act of Parliament, the Rectory of Ewelme was offered to a Cambridge man, who pleaded he was not a member of Convocation at Oxford, as required by the statute in the case provided. "No matter," said the Prime Minister, "go and pay your fees, qualify, and you shall have the Rectory." Sir Robert was offered the seat on the Judicial Committee. He pleads he is not a Privy Councillor. "No matter," said the Prime Minister. "I'll make you a Privy Councillor." Said the Lord Chancellor—"I'll make you a Judge of the Court of Common Pleas." "And when this is done," said the Prime Minister, "I'll step in and make you a Member of the Judicial Committee." But that was all one and the same act. Sir Robert Collier, a practising barrister, was placed on the Judicial Committee of the Privy Council; a proceeding not contemplated by the Legislature; therefore, it was a wrong act. But while saying it was wrong, the only part of the transaction to which he

Mr. Cross attributed blame to Sir Robert Collier was this—that knowing what was the intention of the Government when the Bill was brought in, and of Parliament in passing it, he should have come forward under the circumstances and have accepted it, he being at the time a practising barrister. He

Mr. Cross said it was wrong, and the Government knew it was wrong, because they knew at the time there were many men on the Bench whose learning and experience made them eligible for the new appointment and who were ready to accept it if the Government had offered it to them, and not only the Government but Sir Robert Collier knew it. The hon. and learned Member Mr. Warden Williams spoke in 1871 when the Bill was introduced, discussing the fact that a certain number of the Judges had been appointed before the passing of the Bill, and that the Judges were not entitled to sit.

MR. WARDEN WILLIAMS. I beg to call attention to the fact that when the Bill was introduced, Sir W. Warden Williams was called upon to speak, and he said that the Bill was an attempt to get rid of the old system of judges, and to put in their place a new set of judges.

MR. ASSOCIATION CROSS. And so it was. The hon. and learned Member

was under a mistake. He stated in the debate that he had heard there were great doubts whether the Judges would really accept the office, and on that he was taken to task by the Attorney General, who said that the statement made to him by the Judges was wholly different; for some of the Common Law Judges had expressed approval of the Bill, and had not intimated to him any objection to taking office under its provisions. That being so, it was idle to say in defence of the appointment that the Judges would not accept it. It was idle to say that in the exercise of their discretion they had appointed a fit man from the Bar when the Act gave them no such discretion. It was idle to say that any other construction of the words of the Act would be injurious to the public service. What really was injurious to the public service was a Government not acting according to the spirit of an Act of Parliament. But the Government of late had not been very happy in the composition or the construction of written documents. Here was an Act of Parliament which did not say what it meant; and a Treaty existed which did not mean what it said; and the mischief of it was, that in the matter of the Act of Parliament the public service was always endangered by the Government failing to keep to the strict letter and spirit of the law. Nor would even such a plea as the necessity of the public service avail them, for one of the effects of the Act was that this Court should sit in November; but it was not until the 22nd of November that Sir Robert Collier was sworn in; and if there had been any difficulty in the matter the Government could, with a little more delay, have come to Parliament and have amended the mistake without the scandal having occurred.

It was a case of the Amendment of the law and loss of Member for Richmond, and it is to be seen that the terms of the Amendment were not clearer than those of the original construction of the Treaty. It was the Government's own constructions, and it was the Government's own to know which construction was the correct one. The hon. and learned Gentleman has now moved—that this House should pass a Bill that means that the Government has done a great wrong, that the Government has done a wrong to have done it, and that it was not a case for Parliament

to interfere? If that were the meaning of it, the hon. and learned Gentleman should rather have moved the Previous Question. If not, then he (Mr. Cross) had to fall back upon the words of the right hon. Gentleman at the head of Her Majesty's Government at the commencement of the Session, when he blamed him (Mr. Cross) for introducing such a serious question on the Motion for going into Supply, but that it was a Motion that, if made, should meet with a direct negative. [Mr. GLADSTONE: Those were not my words.] The right hon. Gentleman declared that the Government could not sit under such a censure, and that the earlier it came before the House the better. What he (Mr. Cross) meant was, that the Government accepted the Motion of Sir Roundell Palmer, not as the Previous Question, but for Parliament to decide whether that was a question for Parliamentary censure or not—that was, whether the Government had acted in good faith in passing that Act, and in afterwards giving effect to it. He had not taken up the matter on mere technical grounds, but to protest in the name of the public that when a difficulty occurred in working an Act of Parliament—which he denied was the case in the present instance—that it was not for the Government to step in and set aside the known and perfectly well understood meaning of Parliament, because the words would bear a different though strained interpretation which would suit the purposes of the Government better. If the Government, after they had made the mistake, had come to Parliament and acknowledged it, and said they were sorry for it, and that it should not be drawn into a precedent, Parliament would not have had a word to say against it, but would have accepted the apology. But if, on the other hand, in spite of public opinion, they still persisted in the belief that they were right, then the English people, who had a somewhat ugly and determined manner of putting two and two together, and insisting that they make four, would say that the same spirit which dictated the strain of the Royal Prerogative to overcome an obstacle, in a manner that it had not been strained for many generations before, had again been exercised in setting aside the words and intentions of an Act of Parliament, and de-

pended upon it, the English people love not the exercise of arbitrary power.

MR. GOLDNEY, in seconding the Motion of the hon. Member for Southwest Lancashire (Mr. Cross), said, he wished to deal with that grave question in a practical and common-sense way. After what occurred in the House last Session in reference to that Act, the Government were the last persons who should take advantage of any technical construction of its language, and he thought it was their duty in bringing forward a measure dealing with the highest Appellate Court in the kingdom to have taken care that its clauses should be so framed as to be capable of bearing only the simple and ordinary interpretation of the language employed in them. The appointment of Sir Robert Collier, if not absolutely illegal, was illusory, and not borne out by the plain meaning of the Act. The Act first gave power to the Crown to appoint four paid officers to the Judicial Committee of Privy Council, and the next clause said they must be specially qualified by having been at the date of their appointment, Judges of the Superior Courts at Westminster. It was impossible to say that Sir Robert Collier, not having been a Judge at the time, could have been contemplated as eligible at the passing of the Act, because the qualification it specified was limited to Judges in existence or who retired. If that Motion were rejected, and the Amendment of the hon. and learned Member for Richmond (Sir Roundell Palmer) adopted, let them consider what a precedent would be laid down. It was nothing less than a return, under cover of a hollow form, to the old dispensing power of which they had all hoped they had got rid for ever many generations ago. The appointment of Privy Councillors by the Crown required no patent or grant. On the simple nomination of the Sovereign, and on taking the oaths, a man immediately became a Privy Councillor. There was no subject on which the House of Commons had long shown more jealousy than that of appointments to the Judicial Committee, which was a high Appellate Court; indeed, that constitutional feeling had been convinced from the time of Henry V. downwards. Therefore, if the Government intended to exercise the old dispensing power to get rid of an Act of Parliament by a mere shuffle or trans-

formation scene in the Court of Common Pleas, the Judicial Committee of the Privy Council was the very last subject on which they should have made their experiment. There ought to be, and must be, some check on the Executive authority acting contrary to the spirit and intention of legislative enactments. In the 15th and 16th of Her present Majesty, an Act was passed fixing the salaries of the Chief Clerks of the Court of Chancery at £1,200 per annum, with power to increase them to £1,500, after a specified period of service, and subject to a certificate from the Judge that the duties had been properly performed. An Act was subsequently passed authorizing the increase to be made in the amount of the salary at the end of a probationary term of three years, but still requiring the Judge's certificate. When the Public Accounts Committee sat, the matter was brought before them by the Controller, who stated that, notwithstanding the statute, the Lord Chancellor had thought proper to increase to the full sum the salary of an individual obtaining the office immediately on his being appointed. In that case the answer of the Lord Chancellor was similar to that given in the present case—namely, that a fit man could not be obtained to fill the office for £1,200 per annum. He merely referred to this circumstance as an illustration of the necessity that existed for compelling the Executive Government to keep within the terms of statutes, and of not permitting them to override them at their discretion. If the Executive Government found that the statute was not properly framed, they should come to Parliament and get it altered to suit the circumstances of the case. In the present instance, the Government had withdrawn their original proposition of throwing open these appointments to practising barristers, and had required, as a qualification for the office, that the person appointed should be a Judge. If it was the impression of the Government that it was the intention of the House that Judges only were to obtain these appointments, they should have taken care to have had the Act so framed as to have prevented the possibility of putting such an interpretation upon the Act as they now sought to put upon it. He was very far from endeavouring to depreciate the merits of the late Attorney General;

but whatever those merits might be, they did not give him the qualification rendered necessary by the Act for this appointment. He would for a moment bring under the notice of the House the expressions contained in the letter of Mr. Justice Willes to the Lord Chancellor, who alone had sought to shield the Government beneath its mantle, for in his opinion it seemed that if some of the paragraphs were transposed, they would appear rather inconsistent. For instance, while in Paragraph 4 of his letter, Mr. Justice Willes said that he much regretted that the Judge's opinions should be advertised, he states in the first that he had no objection to the Lord Chancellor stating or reading anywhere his views on the appointment of Sir Robert Collier. The Lord Chief Justice had very properly pointed out that the general impression was that Sir Robert Collier's appointment to the Court of Common Pleas was not a substantive one, but had been made with ulterior views, and had prayed that the threatened scandal might be avoided. Had not the result proved that the Lord Chief Justice was right in the opinion he had formed on the subject—an opinion that had received the support of newspapers of all shades of politics? His (Mr. Goldney's) contention was that if Parliament allowed the Executive Government to put their own construction upon Acts of Parliament, and to justify their acts upon the grounds of expediency, Parliamentary Government would be at an end. The Executive Government ought either to carry out Acts of Parliament in their integrity, or else they ought to come to Parliament in order to have them altered. When Sir Robert Collier was raised to the Judicial Committee of the Privy Council he was a mere paper Judge, and his appointment was a distinct violation of the spirit of the Act, and fully justified the language of the Motion. Doubtless, the Amendment of the hon. and learned Member for Richmond was framed so as to catch the votes of those who, while wishing to express the strongest opinion upon the conduct of the Government upon this matter, were afraid to turn them out of office at the present critical juncture of affairs; but the hon. and learned Gentleman was too wise to ask the House to declare that the Government were

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right in the course they pursued with reference to this subject.

Motion made, and Question proposed,
"That this House has seen with regret the course taken by Her Majesty's Government in carrying out the provisions of the Act of last Session relative to the Judicial Committee of the Privy Council; and is of opinion that the elevation of Sir Robert Collier to the Bench of the Court of Common Pleas for the purpose only of giving him a colourable qualification to be a paid member of the Judicial Committee, and his immediate transfer to the Judicial Committee accordingly, were acts at variance with the spirit and intention of the Statute, and of evil example in the exercise of judicial patronage."—(Mr. Cross.)

SIR ROUNDELL PALMER, in rising to move as an Amendment to the Motion of the hon. Member for South-west Lancashire (Mr. Cross)—

"That this House finds no just cause for a Parliamentary censure on the conduct of the Government in the recent appointments of Sir Robert Porrott Collier to a Judgeship of the Common Pleas, and to the Judicial Committee of the Privy Council."

said: Sir, the hon. Member has discharged the duty which he has undertaken in a manner to which no just exception can be taken. Allowing, of course, legitimate range of argument to anyone adopting the views which he has submitted to the House, he has spoken with temper, with fairness, and with a reasonable degree of moderation. I will, in that respect, try to imitate his example; and as the House must be sensible that such a Motion as this invites it to discharge a duty which ought to be in some measure judicial, I think I shall not ask in vain for a patient hearing while I endeavour to explain the reasons for my Amendment, in a manner which I undertake to say shall be as dispassionate as possible. First of all, I will say one word as to the criticism passed upon the language of the Amendment. I should have thought that no words could well be plainer—"That this House finds no just cause for a Parliamentary censure." The reason I say that is, that we are asked to pass a Parliamentary censure and nothing else, and we have nothing whatever to do with anything but the question before us, which is whether a Parliamentary censure—and a very grave and serious one too—shall be passed upon the Government. It appears to me that if it were really just to say that the qualification is a colourable one, and that the

acts done are, in the proper sense of the words, at variance with the spirit and intention of the statute; and if the House were to put that censure on record, it would be a very grave, and most assuredly it would be a Parliamentary censure. Surely, then, there cannot be a more direct mode of meeting the Motion, than to express an opinion that there is no just cause for such a censure. I shall take the liberty of stating what I think would be just cause for a Parliamentary censure in a case of this kind, and I shall admit that if some of the things which the hon. Gentleman imputes to the Government were established, they would furnish just cause for such a censure. I think that if the Government had violated an Act of Parliament in its substance or letter; if they had broken faith with Parliament and violated a public engagement with the country; if they had improperly exercised legal powers for some purpose, which, having regard to all the circumstances of the case, was a wrong purpose, or if they had appointed an unfit and incompetent person, which is not alleged—in any of these cases, there might have been sufficient grounds for a Parliamentary censure. But if, on the contrary, the Government have broken no Act of Parliament in its terms or substance; if they have violated no engagement with Parliament or the country; if they have acted with proper motives and an honest intention to effectuate the objects for which Parliament has legislated; and if it be admitted they have appointed a gentleman who is neither unworthy nor incompetent, then I venture to say there is no cause for a Parliamentary censure. Whether the hon. Gentleman, or I, or anyone else, may think there has been what he calls an indiscretion or error in judgment; whether I, or anybody else, may or may not have formed a different conception of the spirit of this Act and of this qualification, as distinct from its substance and legal obligation, is not the question. The hon. Member thinks that, if the votes of the House could be taken by ballot, there would be very few who would not say that the qualification had something to do with judicial experience. I frankly admit that I myself, while the Bill was passing through Parliament, and afterwards, was in the habit of associating this

qualification in my own mind with judicial experience. I will even go further. Not having been present during the debates, and not having carefully studied the language of the Act of Parliament, when the arrangement was first announced, I certainly own that it seemed to me a serious question whether it would be found consistent with the Act of Parliament; but I must add that when it is proposed to pass a Parliamentary censure upon the Government for having made an appointment under an Act of Parliament in the discharge of their public duty, I hold myself bound to be extremely careful that I do not act upon my own private ideas of the substance and intentions of an Act of Parliament, and make it the standard of the public duty and public responsibility of other men, which I did not share. I must bring my own ideas, as well as the conduct of the Government, to the test of the law; and I quite admit that if their conduct, tried by the test of law, is found to be against law, it may be just ground for a Parliamentary censure. Now, I must say I find some difficulty in dealing with the manner in which the case is presented to the House, when I compare the language of the Motion with the grounds upon which it has been supported. The hon. Member has adopted, from a source entitled to the greatest respect and attention, a very serious and important ground—namely, that the appointment was at variance with the spirit and intention of the statute. He has also cited the language of Lord Justice Bovill—

"That the manifest and expressed intention of the Legislature was, that the new Judges of the Privy Council should be men of tried judicial experience, and that this had been clearly indicated not only by the language of the statute itself, but by the debates in Parliament."

Now, reserving to a later stage the question, what was indicated by the debates in Parliament, I ask the House to observe that this eminent and distinguished Judge speaks of the manifest and expressed intention of the Legislature, and holds that intention to have been clearly indicated by the language of the statute itself. I certainly should not have expected that anyone adopting that ground for a censure conceived in the terms of this Motion would have started by admitting the legality of the

appointment; for I have no hesitation in saying that, if those views are correct, the appointment was not only improper, but illegal. It is material to examine that question, in order to see whether there has been a violation in substance, and in fact, of the law. I do not say that everything which is within the law is necessarily right, and I shall not omit to examine those views of the case which may be presented in support of the Motion, consistently with an acknowledgment that the law has not been broken. But the assumption that it is within the law will be found, I think, to get rid, at least, of those words "acts at variance with the spirit and intention of the statute;" certainly it meets a great part of the objection of Chief Justice Bovill, whose authority would naturally have great weight with many persons, as, indeed, it would with me. There is an end to that portion of the case if one sees that it is an error; and not only has the hon. Gentleman declined to argue the question of the legality of the appointment, but he has done wisely in so declining; for in truth that ground of objecting to it is incapable of being supported. Now, with regard to the expressed intention, I look at the statute. Do I find anything whatever about men of tried judicial experience expressed in the statute as Chief Justice Bovill suggests? Not a syllable. I find simply that the Crown may appoint anyone who is specially qualified in certain ways; and I agree with the hon. Gentleman opposite that a special qualification is in terms required by the statute. We have two modes of qualification expressed in the Act. There is an Indian qualification, as to which I shall have something to say by-and-by, and there is an English qualification. The latter is, that a man either must be at the date of his appointment, or have been, a Judge of one of the Superior Courts, as those words are interpreted in the Act. If he was a Judge for any length of time whatever, longer or shorter, he was manifestly qualified under the Act. ["Oh, oh!"] No one, I think, on reflection, can seriously dispute it. No one, I imagine, would have raised the question of the qualification being, at all events, a real and not a colourable one, if, for instance, the Vice Chancellor last appointed—not appointed with a view to his being transferred, although

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appointed within a very few months—had been transferred to the Judicial Committee. It is a perfectly distinct question whether an appointment which would otherwise be right is made wrong by the fact of the qualifying office having been conferred with a preconceived intention, and to that point it is necessary to pay great attention; but, for the just appreciation of that question, it is important to observe that no test of tried judicial experience is embodied in the Act, and it must have been purposely omitted. The judicial status is the test of fitness embodied in the Act; that, and nothing but that, is the special qualification under the Act, and if a man was a Judge when he was appointed he had the statutory qualification. I must go on to ask whether there is any ground for holding that, although it is not expressed in the words of the Act, he should be a man of judicial experience beyond the mere fact of his actually being a Judge. When we come to inquire into the spirit and intention of a statute, we first consider what was the cause of passing the Act—what was the mischief to be cured. The cause of passing this Act was not any mischief which had happened from not having men of judicial experience upon the Judicial Committee, or from the presence on that Committee of men without that qualification. It was the very great and special pressure of important business that made it necessary to apply a remedy. Of course, it might be a good way to get men of the highest judicial experience; but the nature of the mischief does not make that necessary, or lead to the conclusion that such must have been the intention of the Act. I should like here to refer to what was said in the discussions of the year 1870 by my hon. and learned Friend the Member for Denbigh (Mr. Watkin Williams), who is reported to have said it never could be satisfactory to have as members of an appellate tribunal men not already tried and tested in important judicial situations. Now, of that opinion I must say, with all respect for my hon. and learned Friend, that it cannot be supposed to be the foundation of this statute, and for this very plain reason, that it has never hitherto been the practice to require such a previous trial, either for the same or for other important appellate situations. Take the history of this appellate

tribunal itself. I do not think the hon. Member opposite has reflected that the argument from the former statute of William IV.—which I agree with him was in *pari materia*—would recoil upon him when well considered. I agree that the special class of persons who, under the Act of last Session, have the English qualification for the new appointments, is the very same who, under the Act of William IV., and the Acts amending it, are *ipso facto* Members of the Judicial Committee, though not paid; and if I am asked for what reason the special qualification should be exactly what it is, I answer that the reason was to enable the Sovereign, out of the number of those who were already unpaid Members of the Judicial Committee, to make such as she should think fit—not exceeding four—paid Members. Therefore, this statute does not make judicial experience more necessary than it was under the former statutes, though I agree with the hon. Member it makes it quite as necessary as it was under the former. But was it necessary under the former statutes? Why, the moment a man was appointed to a Judgeship, if he were a Member of the Privy Council, he, under these statutes, took his seat upon the Judicial Committee. That is a thing which has happened over and over again. It happened with all the Vice Chancellors till the year 1852, for down to that time every one of them was always made a Privy Councillor on the occasion of his appointment. When Vice Chancellor Knight-Bruce, when Vice Chancellor Wigram, when Vice Chancellor Turner, when Vice Chancellor Lord Cranworth were appointed, each of them was sworn of the Privy Council on the day of his appointment, and immediately took his seat upon the Judicial Committee of the Privy Council. And were they found, for a want of a previous test of judicial experience, to be inefficient Members? Why, these were the men who, with Lord Kingsdown—who also had no judicial experience when he was made a Member of the Judicial Committee—made the reputation of the Judicial Committee. It is, therefore, utterly impossible to say that the practice under the previous law would have suggested it to be wrong to place a man on the tribunal of the Committee the moment he was made a Judge. But was that practice confined to the constitution of

the Judicial Committee under the original law? I should like to know who it was that first made an Attorney General, direct from the Bar, Lord Justice of Appeal in the Court of Chancery—an office which down to that day had been filled only by men of tried judicial experience? I agree that under the Act of Parliament constituting the Lords Justices, no one could have contended that such experience was necessary. Why, the very first appointment which was made direct from the Bar to the Court of Appeal in Chancery—and it was one of the very best appointments ever made to that office—was the appointment of Lord Cairns. Sir John Rolt and Sir Charles Selwyn were also appointed Judges of Appeal in Chancery direct from the Bar. They conferred honour on those who appointed them, and they discharged the duties of their position in an admirable manner. They were all appointed by hon. Gentlemen opposite. And since that time another appointment of an Appellate Judge in Chancery—that of Lord Justice Mellish—has been made direct from the Bar. Of course, it does not at all follow because those appointments were right that this appointment is right; but you cannot possibly assume that it was an unreasonable thing to suppose that a man might be meant to be qualified who had not been tried by judicial experience. The same thing might have happened with respect to the Common Law Bench. The right hon. and much esteemed Recorder of London, who is now absent in the service of his country, is a Member of the Privy Council, and if it should please Her Majesty to appoint him a Judge—and no man is more fit for the office—and if he should accept the appointment, he would instantly, without any experience except such as he has had in the office of Recorder of London, be qualified to be a Member of the Judicial Committee of the Privy Council. Mr. Stuart Wortley was also a Member of the Privy Council when at the Bar. He afterwards filled the office of Solicitor General. If he had been appointed a Judge, he would instantly have become a Member of the Judicial Committee. It is quite evident, therefore, that the argument for tried judicial experience as a qualification, which must be implied in the interpretation of the Act, entirely fails. It cannot be drawn from the nature of the case; it cannot be

drawn from the nature of the qualification *per se*; it cannot be drawn from anything whatever in the language of the Act. Well, having established these propositions, as I think I have, I now come to deal with the language of this Resolution about “acts at variance with the spirit and intention of the statute.” These are the words of a man to whom I cannot refer without taking the opportunity of expressing my highest respect both for his person and for his public character and services. No word, I hope, will fall from me, and, I trust, no word will fall from anyone in this House, which does not in every way acknowledge the distinguished services of Lord Chief Justice Cockburn. What may have been said elsewhere, with respect to anything written by him, cannot possibly have been said with the intention of being understood in a sense inconsistent with the consideration due to his office and his services. But not even the greatest men are infallible, and if I have given good reasons for saying that the appointment of Sir Robert Collier was not contrary to the proper construction of the Act, I think I can give even stronger reasons why we should not permit ourselves to get beyond the statute by talking about spirit and intention for the purpose of such a censure as is now proposed. This is a very grave and very serious matter, and, to use the language of the hon. Gentleman opposite, I think it would be of very evil example if the House were to permit itself to act upon notions and ideas which the statute does not justify in order to condemn Ministers for acts honestly done in the exercise of their judicial patronage. Of course, there may be other reasons for condemning them, but not that. Nothing is better settled than that a statute is to be expounded not according to the letter, but according to the meaning and spirit of it. What is within the true meaning and spirit of the statute is as much law as what is within the very letter of it, and that which is not within the meaning and spirit, though it seems to be within the letter, is not the law and is not the statute. That effect should be given to the object, spirit, and meaning of a statute is a rule of legal construction; but the object, spirit, and meaning must be collected from the words used in the statute. It must be such an intention as the Legislature

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has used fit words to express. We sometimes appeal to American writers on these subjects and Mr. Justice Story says—

"Although the spirit of an instrument is to be regarded no less than its letter, yet the spirit is to be collected from the letter. It would be dangerous in the extreme to infer from extrinsic circumstances that a case for which the words expressly provide shall be exempted from their operation."

But I need not quote American authorities. Our own House of Lords gave a judgment some years ago, in which the same thing was said—

"The intention of the Legislature must be ascertained from the words of a statute, and not from any general inference to be drawn from the nature of the objects dealt with."

Suffer me to read another sentence containing the words of Lord Cranworth—

"Whenever you can find that anything done is substantially that which was prohibited, it is perfectly open to a Court to say that it is void, not because it comes within the spirit of the statute, or tends to effect the object which the statute meant to prohibit, but because, by reason of the true construction of the statute, it is the thing, or one of the things, actually prohibited."

And that introduces what was said by Lord Brougham—

"When the Legislature has confined itself to one specific mode of accomplishing its purpose, and carrying into effect the intention with which it made an enactment, we are not to go further and look at the presumed intention of the Legislature, and add enactments which the Legislature never made—provisions beyond what the Legislature has made, for the purpose of completing that which it left incomplete, and supplying what it left defective."

Now, not only is that law, but I venture to say that in the whole law of this country there is nothing more important, nothing more constitutional than this; for if for a single moment these rules were departed from by the Courts, they would be usurping our functions, they would become the Legislature; and if this or the other House of Parliament, each in its separate capacity, takes upon itself to say that something is the spirit, the meaning, the intention of Parliament, then that House is taking upon itself to alter the law. Our liberties, our rights, depend as much upon this principle as upon any other, that in construing Acts of Parliament you look to what you find there, not to what you imagine was meant, or ought to be there. I wish to argue this question with perfect fairness, and I do not mean to say there is no force in any of the arguments used on the other side, be-

cause if I said so, I should not be stating my candid opinion. The part of the case most open to difference of opinion and argument is that which relates to the making of the two appointments simultaneously. Now, if this thing were done wantonly, maliciously, or without a *bond fide* view to serve the public, or, if it were done over and over again, as the hon. Gentleman suggested, I should not stand here to defend it. But that is an issue distinct from the question of legality; and we have not yet got out of the question whether this appointment was within the legal power of the Crown according to the spirit, as well as according to the letter, of the statute. Upon that point, I cannot help saying that this objection to the accumulation of the two appointments is a substantial one, if you grant either of these two things—that the man was unfit for the first place to which he was named—the Judgeship in the Court of Common Pleas—or, what I have endeavoured to show is not the case, that, according to the true intention of the Act, judicial experience was necessary. The objection would be a substantial one in either of these views. But I do protest that I think it the most technical objection in the world if Sir Robert Collier was fit to be a Judge of the Common Pleas, and if judicial experience was not necessary. Now let me suppose, that instead of its being the vacancy created at the time and in the way it was, the place of Chief Justice of the Common Pleas had been vacant—the particular post to which the Attorney General is supposed to have a right. Some hon. Gentlemen imagine he has a right to everything. I do not know whether my hon. and learned Friend the Attorney General is now in the House, but I have filled the office, and I do not admit that doctrine. It seems to me going far enough to say there is one great office to which the Attorney General is said to have a claim of right. When I was Attorney General, Lord Wensleydale gave me friendly warning that if the place of Chief Baron became vacant I should not be entitled to claim it; all that I could have claimed would be the place of Chief Justice of the Common Pleas. Well, suppose the Chief Justiceship of the Common Pleas to be vacant, and that Sir Robert Collier—which is not a very violent supposition—

might have preferred serving on the Judicial Committee, would it have been wrong if, taking the particular place to which by usage he was entitled, and for which he was admitted to be fit, he was transferred immediately afterwards to the Judicial Committee? And yet it is all the same, except in this instance he accepted the lower place. I do say, then, that legality is an answer to technicality. If the thing were illegal, it would be no answer; and if Sir Robert Collier was not a fit and proper person to be a Judge of the Court of Common Pleas I would give the case up. If, however, he was fit—and everybody said he was—the transfer is not made wrong in substance, because, for reasons not in themselves improper, both appointments were, in substance, accomplished together. I heard not very long ago a most metaphysical view of the subject suggested. It was asked, by perhaps the most ingenious mind that could be brought to grapple with the question—"When is it that the choice is to be made?" The answer is—"Why; when you choose; and, of course, if the man is not qualified when you choose you are choosing an unqualified man." That was an ingenious and subtle speculation, and it was added that the rest was all wax and parchment. Yet, for all that, such are the laws we are living under, it is wax and parchment that make the deed. Until I put my seal to the deed, it is no deed however long a time I may have taken in instructing my attorneys. And by the same reason, until Her Majesty's Letters Patent had the Great Seal impressed upon them in favour of a particular person, it was no matter how much or how long the Sovereign had entertained or expressed her intention of honouring him. On the same footing, my right hon. Friend the Home Secretary was not a Privy Councillor in 1856, when he accepted the office of Vice President of the Privy Council on Education, and when, on the ground of that acceptance, this House ordered a new Writ for Merthyr Tydvil. The real truth is, the law does recognize the appointment as only made complete by certain things, and it does not prohibit those who have the duty of conferring the appointments from making their arrangements beforehand; and it is not accurate in any substantial or legal sense whatever to say, that you

may not select for a particular place for which you can qualify him, a man fit for the place and fit for the qualification, before he has got it. To say anything else is simply begging the question. The question is a question of substance, and you cannot substitute these cobwebs and refinements for the substance of the case. The real question is—Had Her Majesty power to make Sir Robert Collier a Judge of the Common Pleas? Yes; she had. Was he fit? Yes; he was. Did Her Majesty make him a Judge of the Common Pleas? Yes; she did. When Judge of the Common Pleas was he qualified to go the Privy Council? Yes; he was. Therefore I say, if it is not denied that he was a fit person for that, the whole process was substantially right, because the end aimed at was right and the means used were legal. Now, I must deal with some false analogies not dwelt upon by the hon. Member for South-west Lancashire, who, I believe not being a lawyer—I wish he were, for I am sure he would do honour to the profession—was too wise to venture upon the dangerous ground of the doctrine of powers. I am not going to fatigue the House by discussing the equitable or legal doctrines of powers, but before I say the few words on the subject which I shall say for the sake of dissipating fancies and removing mistakes, I will premise that I lay no stress on any such analogies, for they may be very likely to mislead in matters of this high nature. But if the argument is good for anything, it tells against those who use it. The doctrine of powers and of frauds upon powers stands thus—if there be a power given by a deed to make an appointment for a particular purpose, and out of a particular class of persons, it is held to be a fraud in the appointment if there be any bargain, or any arrangement or motive, foreign to the purpose for which the power was given. But where are you to look for all the elements of the question? Where do you find the purpose for which the powers were given? Why, in the instrument which created the power, and nowhere else. You look into the deed, and if you find there that the thing done was done for some other purpose than that expressed in the deed, it is a fraud upon the power; but if the end and object are authorized, and the means are legal, there is no

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such fraud. I pass now from the legal branch of the argument and come to the grave and serious charge—made not with any aggravation of language, but not the less serious on that account—the charge that the Government has broken faith with Parliament and the public, and has not fulfilled the engagements they had entered into with this House. Now, if I found that that was so, I could not deny the propriety of the censure proposed by the hon. Gentleman; but I think there is no foundation for such a statement. I was not present during the debates on this subject, but I have looked at the usual records of what occurred, and they do not bear out the statement that there has been any violation of engagements by the Government. Reference has been made to the Bill and the debates of 1870, and to the proposal then made that barristers should be eligible for the Judicial Committee. But what sort of barristers were they? Barristers with small salaries. I do not know whether the salaries which were then offered were much greater than the salaries of County Court Judges; but they were certainly very much below those of the Judges in Westminster Hall; therefore such salaries would necessarily have brought into the Judicial Committee barristers of a lower grade than those from whom the Judges in Westminster Hall are selected; and objections were justly made to the Bill on that ground. Sir H. S. Maine was objected to as not having judicial experience, and the criticism was true as to him in a sense in which it is not true of Sir Robert Collier, for Sir H. S. Maine had no experience at the Bar, as well as no judicial experience. I protest, therefore, against censuring the Government for this appointment in 1872, because Parliament declined a proposal which would have led to the appointment of barristers without a judicial status, and upon terms not ensuring fitness for the same judicial status which is enjoyed by the Judges of the Superior Courts of Law and Equity in 1870. What occurred in 1871? There were three debates in the Lords on this subject, and in this House there was only one. In the Lords it was proposed to give small salaries in addition to the retiring pensions, so as, in the case of English Judges, to bring the pay up to £5,000 a-year. Such a

provision manifestly tended to confine the choice to Judges who were disposed to retire upon pensions, otherwise no Judge would have received an amount anything like equal to his present pay. Upon the Report, however, the Lord Chancellor introduced an Amendment giving £5,000 a-year to all the paid Members of the Judicial Committee. The Bill left the House of Lords with a salary of £5,000. [Mr. ASSHETON CROSS: No, no!] We know there are mysteries about Money Bills; but I have read the debates in the House of Lords, and it was agreed to give salaries of £5,000. Whether I am correct or not in that is not essential; but not one word was then said upon the mode in which the choice should be made with reference to judicial experience, nor can I find that anything was said about it here. It is true that the then Attorney General, Sir Robert Collier, said that the persons who might be appointed were persons who might be assumed to be of high judicial authority, and to be qualified to become members of any supreme tribunal, however constituted. But that remark had reference to the presumable fitness of any man who would be appointed to these high posts, and would only justify censure of the Government for promoting a person who was not fit. It is not reasonable to infer from this statement anything inconsistent with the course actually taken by the Government. In fact, I cannot find in the proceedings of Parliament anything which can fairly be represented as an engagement of the kind which the hon. Gentleman thinks he discovers in the debates of Parliament, and which, undoubtedly, Sir William Bovill thought he found there. It seems to me that if the Government understood the Bill as requiring the judicial status and yet not making judicial experience indispensable, they said nothing whatever to the House inconsistent with that understanding. Putting aside these two points, I come now to consider whether the thing itself, assuming it to have been within the law, was a proper or improper thing, having regard to the circumstances under which the Government did it, and their reasons for doing it. The House will understand that when I use the words proper or improper, I mean proper or improper in a sense pertinent to Parliamentary censure. I do not propose to

enter into the discussion of any question short of that, as to whether a man may think it is or is not the wisest act which could have been done. That is a wholly different matter, and when I inquire whether it is improper, I mean, whatever degree of impropriety may attach to it; for I must say that I should not think myself warranted on any grounds I can at present discover in pronouncing any censure at all, still less the more severe penalty of a Parliamentary censure. For an illustration of what I mean, I will refer to the case of the Indian qualification. It has not been noticed in this debate, but the Lord Chief Justice paid attention to it in his letter. Now, I must say candidly that I cannot agree with those who think it would have been a proper thing to have appointed a person to be a Judge in India, who was never meant to act as an Indian Judge, but was merely so appointed for the purpose of giving him a qualification for a seat in the Judicial Committee. That appears to me to be quite another matter, for the Indian qualification is a new one, and must be looked at with reference to Indian reasons and Indian exigencies. The persons to be appointed are Chief Judges only, and I think it would have been improper, though it might have been legal, to appoint to the Judicial Committee any person who was not really and truly such an Indian Chief Judge as to be in that respect a fit representative in the Judicial Committee of the Indian judiciary. Such a case, from the novelty of the qualification specified in the Act, and the fact of India being specially mentioned, seems to me to rest on different grounds from that with which we are dealing now. Even in this case the thing done would have been extremely wrong if it had been done with reference to any object except the object of the Act, and it would have been equally wrong if the Government had acted contrary to their own views of their obligations under the Act, or their obligations under any engagement given to Parliament. If they had done so, I could by no means deny that they would have deserved censure; but it seems clear that the sole motive of the Government was to fill up this judicial office honestly and sincerely, and whether they made a mistake or not, they believed that they were right in acting in such a manner that the object

of the Act might be accomplished, and the arrears before the Judicial Committee disposed of. The hon. Gentleman said the Government knew it was wrong; but the Government have never told us so. I do not expect that they will tell us so, and I do not believe that they did know or consider it wrong. I believe that, whether the Government made a mistake in this matter or not, they acted with a *bond fide* belief that the thing they did was authorized by the letter and by the spirit of the law, and was, under all the circumstances, the best mode of accomplishing the object desired. They did not lose sight of the desirableness of securing judicial experience, though they did not think judicial experience indispensable. They made four applications to eminent Judges, and of those applications only one succeeded. We understand that in the next place they desired to obtain the services of two other eminent Judges, but they had reason to believe that those applications would have proved unsuccessful. It is said that another Judge was willing to accept the appointment. No doubt he might have been a very fit man; but I cannot think the Government were censurable, because having desired to select certain Judges, being unable to obtain their assent, and being uncertain how a similar application to other Judges might be received, they did not run through the whole Bench, or even offer the appointment to a particular Judge who, perhaps, might be thought so useful in his own Court that it would be undesirable to remove him from it. Above all things, I wish to avoid any allusions which might be directly or indirectly personal; but I will venture to mention, for illustration's sake only, the name of Sir Robert Phillimore. I do not know whether the offer was made to him, or whether he was inclined to accept it. But there might be a very good reason for not making the offer to him, for with his special knowledge of the Admiralty Court it might not be the easiest thing in the world to replace him there. I cannot, therefore, think that the Government were bound to make the offer to Judges who might be eminently useful in their own Courts, if they thought that, on the whole, another course was open to them equally for the public advantage. It is very possible there may be some Vice Chancellors who

are so useful in their positions in the Court of Chancery that it would not have been expedient to propose them for the Committee. For those reasons, I think that the Government were entitled honestly to judge for themselves at what point of time it ceased to be for the public advantage or the dignity of the office to go on offering it to Judge after Judge. I must now turn for a moment to a very extraordinary remark made by the hon. Member opposite (Mr. Cross), who said it could not be supposed the Judges would conspire to break the law, because someone else, according to him, had suggested a conspiracy on the part of the Judges. He quite forgot, apparently, that there was no law whatever which any Judges could possibly be breaking by not accepting this office. The Judges are not called upon by this Act to do anything, either singly or in concert; how, then, can they break the law? [Mr. A. Cross: I said frustrate the intention of the Act.] But the Act imposes no obligation upon them, either direct or indirect; and I cannot think it a fair interpretation of anything anyone had said, to represent that the Judges, in the opinion of anyone, were conspiring together to upset this Act. That the Judges may have talked over the Act among themselves may be assumed without casting any imputation upon them whatever; but that there was anything like a combination among them to frustrate the intention of the Legislature I do not believe, and I hope no one else does. It is quite clear that the terms proposed were not satisfactory to the majority of them; that some of those who were invited did not accept the appointment, and others whom it was thought desirable to invite were understood not to be desirous of accepting it; but it is equally clear that they were not under any obligation to accept the offer. It is quite clear also that after the majority of them had declined the appointment, the Government acted in a manner open to explanation consistently with the best possible motives, and I see no reason for doubting the motives on which they acted. The House will recollect that the time was pressing; they had only twelve months to make the appointment; the duration of the Act was limited to two years; there was a great pressure of business; on account of that pressure it was that the Act was passed. They thought that

the dignity of the office would be better preserved if they did not expose themselves to too many refusals from the Bench. Then, again, the point of fitness is not altogether beside the question now under discussion. If the Government had broken the law in substance, or had broken faith with Parliament, or had acted in defiance of the law, the appointment of the fittest man at command would not have absolved them from blame, and should not have prevented censure; or if the man appointed were unworthy, the Government would be justly open to censure; but we have the testimony of Chief Justice Cockburn and Chief Justice Bovill to his fitness. I therefore think there is no sufficient cause for Parliamentary censure. But even if there were more plausible reasons to be given for this proposed censure, the mischief it would do under these circumstances is very manifest. I do not speak of the position of the Government. It is very possible hon. Gentlemen opposite have no particular wish just now to displace the Government; but no doubt a sense of public duty would lead them to face even so great a calamity as that if it were necessary to vindicate the purity of our judicial administration. I will put that aside, however, and refer to what I confess would have weight with me. If ever the position of chief Legal Adviser of the Government was held by a man of unsullied integrity, and unquestionable public virtue, the present Lord Chancellor is such a man; and I should feel that I did an act of gross injustice, and of great general mischief, if I passed a censure of this kind, without a conviction of its absolute necessity, on so eminent and excellent a public servant. And let the House consider the effect which such a vote would have upon Sir Robert Collier's position. It might drive him from the post. I am very far from sure that, with the sensitive feeling he entertains upon the matter, that would not be the result, to the regret, I am sure, of every hon. Member of this House. I have witnessed the manner in which he performs the duties of his office; and I am bound to say that it has been such as to prove his fitness for the appointment. And if this vote did not cause him to vacate the position, would it not tend materially to diminish his usefulness in that position, and to diminish the honour and

credit of the office? A very deserved tribute to the estimation in which Sir Robert Collier was held in this House was paid by the hon. Member opposite. He (Mr. Cross) said that he had discharged the duties of his former office with honour, courtesy, and ability; and that he was very much esteemed in this House. We desire that he should remain in the office he now holds, and not only be useful in it, but hold it without any slur or discredit of any kind. I do not say it would be unnecessary if it were just to pass this Motion; I do not say it would be unnecessary if the spirit and meaning of the Act of Parliament, in the true and legal sense of its words, had really been violated. I should very reluctantly face the necessity, if these propositions had been proved; but being convinced that they are not, and at the same time feeling that great mischief would be done by the adoption of the Motion, I earnestly trust the House will accept the Amendment to the Motion of which I have given Notice.

MR. GOLDSMID said, he had on many occasions felt it his duty to oppose the Government, but on this occasion he heartily supported them. Much had been said with regard to the construction of the Act, but he would ask, who was more competent to construe an Act than those who drew it and advocated it in Parliament? It was obvious to most men that had it not been for the letter of the Lord Chief Justice of England the appointment would never have been called in question; and without expressing any opinion as to the right of the Chief Justice to offer advice, he (Mr. Goldsmid) would unhesitatingly say that when the advice tendered in that letter was not accepted, the letter itself should never have been published. Now, as to the Bill of 1870, it should be remembered that Sir Robert Collier, although then the principal Law Officer of the Crown, and repeatedly challenged to declare his view of it, persistently offered no opinion on it, thereby showing that he would not support what he did not deem right; and, in fact, the present Attorney General followed the same course. The main objection to the proposals in the Bill was, that as any barrister of 15 years' standing might be appointed under its provisions, its tendency was to lower the high position of the Members of the Judicial

Committee of the Privy Council. And this view was confirmed by the low salary proposed to be given. The Bill was withdrawn, and the mistake was not repeated in the Bill of next year, as it declared that anyone who at the moment of his appointment was a Judge of one of the Superior Courts might be appointed to the Judicial Committee; but its terms did not imply that any lengthened judicial experience was necessary. If such had been intended it would have been laid down in the Act, as had been done in many other instances. When the Act was passed, there was obviously no intention on the part of the Government to appoint Sir Robert Collier; but they were brought face to face with a very difficult position. They had to fill up places in an Appellate tribunal, so as to enable it to clear off a great accumulation of colonial and other cases then in arrear, and it was desirable to do that as soon as possible. They offered a place on that tribunal to four eminent existing Judges. Sir Robert Collier was cognizant of those offers, and did not ask the Government to appoint him. Those offers were refused; but it being privately intimated that Sir Montague Smith was willing to go up to the Judicial Committee, the Government removed him from the Court of Common Pleas. It was then suggested to the Government that they should appoint Sir Robert Collier, and there being a vacancy in the Court of Common Pleas, they nominated him to that Court, and subsequently, after he had sat as Judge in the Common Pleas, promoted him to the Judicial Committee. That appointment was, he thought, right and proper, and without it, practically, that Appellate tribunal would not have been constituted to do the pressing work that lay before it. The hon. Member opposite (Mr. Cross) had said an Attorney General was no more than a practising barrister; but that was obviously incorrect, as Lord Coke declares that the Attorney General is the only barrister who occupies a *quasi* judicial position, because he can, as a matter of right, if there be a vacancy, take the place of Chief Justice of the Common Pleas. The Government in that matter had done what they believed to be the best for the public service; and the only remaining question was whether they had committed an error of judgment in placing Sir Robert

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Collier on the Judicial Committee within a few days after raising him to the Bench. On so small a point as that, he thought they would be simply splitting hairs if they passed a grave censure on the Ministry. The motive for the act of the Government having been good, and the appointment being according to law, the only question remaining was—was the man they appointed a fit and proper person? They had all had proofs in that House of Sir Robert Collier's courtesy, learning, and ability; and if his opinion had been followed years ago in regard to the *Alabama* question, possibly the present difficulty on that subject would have been averted. Sir Robert Collier was a man of too high a sense of honour to do anything which he believed to be contrary either to the spirit or the letter of an Act of Parliament; and he had told him, and had authorized him to repeat, that so far from his having imagined that any length of judicial service was intended by the Act of 1871, if a fixed period of judicial service had been proposed, he would have opposed it. Sir Robert Collier's appointment had been offered to him in order to avoid the very grave scandal of not putting an Act in force to relieve the great block of business in the Judicial Committee. It would be most unfair both to the Government and to Sir Robert Collier to pass that Vote of Censure. He believed Sir Robert Collier would do his duty to the satisfaction of the public and of the suitors who went before him; but if that Resolution were carried, he might not feel it consistent with his dignity to retain his office. For himself, under the circumstances, he thought the House of Commons ought rather to thank the Government than to censure them for what they had done; and for that reason he had much pleasure in seconding the Amendment of the hon. and learned Member for Richmond (Sir Roundell Palmer).

Amendment proposed,

To leave out all the words after the word "House" to the end of the Question, in order to add the words "finds no just cause for a Parliamentary censure on the conduct of the Government in the recent appointments of Sir Robert Perrett Collier to a Judgeship of the Common Pleas, and to the Judicial Committee of the Privy Council,"—(Sir Roundell Palmer.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. STAVELEY HILL said, he must congratulate the House upon the change that had come over the character of that dispute since the commencement of the Session. No person would have regretted more than he should have done had the question been pressed in its more offensive form, because he was a personal friend of Sir Robert Collier, whom he had known both as a Bencher of his Inn and a barrister of the highest integrity, zeal, activity, knowledge, and skill; and because he believed that he had obtained his present distinction deservedly at the end of a long and successful career. At the commencement of the Session, and in the debate which had occurred in "another place," the appointment of Sir Robert Collier had been characterized as a crime little short of high treason — whereas, now, the simple and sole question was, whether the Government had been to blame in making the appointment, or what was the power given to the Executive under the Act, and had they acted fairly in the execution of the power. Had they power to appoint any barrister, or only persons of "tried judicial experience"? He knew that these words did not occur in the statute, but could anything else be its meaning? Therefore, in determining the question whether or not the Government was to blame in this matter, it was necessary to look at the exact words of the statute, in order to ascertain what was the limitation of the power given to the Executive. It was true, as had been said by the hon. and learned Member for Richmond, (Sir Roundell Palmer), that the statute did not contain words limiting the choice of the Executive to Judges of tried judicial experience, but was not such a limitation to be inferred from the general tenour of the Act? The hon. and learned Member had contended that that House, sitting as it did as a Court of Justice in interpreting the Act, must be bound by the words of the statute, and must not look outside of the four corners of that document for an interpretation of those words. The position of that House, however, was very different from that stated by the hon. and learned Member, for they were con-

anyone who should draw blood in the street should be severely punished. Under that law a barber was indicted for opening a vein in the streets, and it had like to have gone hard with him, for he was convicted; but on appeal to the Council, the conviction was quashed, on the ground that although the letter of the law was against him, the manifest intention and design of it was in his favour, because it was passed, not for the purpose of regulating the practice of surgeons or barbers, but for the purpose of checking the practice of duelling in the streets. A more recent and analogous case to that arose in the time of Louis XII. of France, who made a treaty with the Pope that all bishoprics which should be void by the death of Bishops in France should be filled up by the King. A French Bishop happened to die at Rome, and the Pope immediately filled up the vacancy. Thereupon a serious contention arose. There was no doubt that the act of the Pope was within the letter of the bargain; but it was as clearly and plainly a violation of the plain meaning and intention of the parties. The County Court Act, again, provided that the persons appointed as Judges should be barristers of seven years' standing. Suppose the Lord Chancellor said to any man of acknowledged learning and ability—say, his private secretary, who had no inclination to practice at the Bar—"You go to the Bar and eat your dinners; you need not practice, read, nor take chambers; but when you have been called seven years I will appoint you a County Court Judge." Such an appointment would be within the letter, but not within the meaning of the Act; because it was clear the intention of the Legislature was to secure the appointment of men whose fitness for the Bench had been to some extent tested by their seven years' standing at the Bar. Lord Coke, using a metaphor more expressive than accurate, said these external matters were the very lock and key to open the windows of a statute, and look inside to see the intention of the Legislature; and in this case, using this lock and key, they had to see whether the Government had regarded the intention of the Act. That they had acted in accordance with the letter he admitted, though he could not admit that doing so they had made a legal and valid appointment. The Go-

vernment had placed themselves upon the horns of this dilemma—either they had strained and violated the expressed intention of the Legislature, as he believed they had, or they had, in bringing in that Bill, practised a deception upon Parliament, which he did not believe. The hon. and learned Member for Richmond really gave up the case, when he admitted that if this had been a case of qualifying a barrister to be a Chief Justice in India it would not have been legal; and he could not reconcile with that admission the conclusion that this was a legal appointment. The object of the Act was to strengthen the Judicial Committee of the Privy Council, which was very differently placed from the Superior Courts of Common Law at Westminster. The Judicial Committee sat practically in private; there was scarcely any attendance of the general Bar, of the reporters of the Press, or of the public, and the business was done in the quietest manner possible. In the Courts of Law the Judges performed their duties in presence of a powerful Bar, and a still more powerful Press, and often in conjunction with a jury, and they were constantly under the eye of the public; and if a Judge, from too great vivacity, attempted to put down a suitor or a witness, or a member of the Bar, he was constantly kept in check. One of the most serious things for a Government having the appointment of Judges was the impossibility of knowing before they placed a man on the Bench whether he would have that patience, discretion, and good temper, which were not less important than knowledge and great learning. A man might rise to a high position at the Bar, but how they were to know beforehand that he possessed all the qualifications necessary for a Judge? It was almost impossible for a practising barrister to speak with unreserve on this subject: but the fact was notorious that some of the most distinguished advocates had as Judges failed deplorably, particularly in the matter of patience in listening to both sides. In any ordinary Court, one of the grandest checks upon the Judges was the institution of the jury, and the power to take their judgment to a Court of Error to have it reviewed; but here was a Court of Final Appeal—the judgment of the Judicial Committee of Privy Council was

not subject to review, and only one judgment was given; the Judges did not give their separate opinions. He therefore said it was of the utmost importance that the Judges appointed should be men known to possess high judicial qualifications, as well as ability, learning, and experience. It was not so much the judicial experience that was required, as experience on the part of the Government of the judicial qualities of the men they were going to appoint. The great desideratum was, that the Judges appointed should be men not only of learning and ability, but also of patience and temper and discretion; but how could it be known they had those judicial qualifications till they had been tried? He quite accepted the proposition that nothing which passed in debate could be referred to in construing an Act of Parliament; but, he must repeat, the Government had placed themselves in this dilemma—either they had strained this Act, or they had deceived the House; and he could only show that by referring to what had occurred when the Bill came down. The principal objection to the Bill of 1870 was, that there was no security that the Judges would be persons known to possess those qualifications which were essential in Members of the Judicial Committee as a final Court of Appeal. When that Bill was before the House he moved its rejection, and pointed out that the selection ought to be made from tried experienced Judges who were found to possess patience, discretion, judgment, and high judicial fitness in addition to learning and ability, and that that Bill afforded no security for any of these qualifications, and the Bill was thrown out. In the following year, the Lord Chancellor brought in the Bill which afterwards became law. Shortly before that Bill was brought in, he (Mr. W. Williams) following up his former speech in this House, wrote a letter to *The Times* newspaper. Having his own suspicion of what might possibly happen, he thought prevention better than cure, and therefore he wrote the letter to *The Times*, calling attention to the fact that the Bill of the preceding Session had not been thrown out owing to the want of time, as the Lord Chancellor had stated, but because of its objectionable nature, and specially on the ground that it did not provide any security that the

Judges appointed should be tried men. His objections, both in his speech and in the letter, were intended and thrown out as a challenge to the Government; and what was the answer he received? The answer was this Bill of 1871, containing the clause now under consideration, which was thus described by the Attorney General himself. He said—

"The provisions of the Bill were very plain and simple, and very much what had been indicated by some hon. Members of the House last Session."

And then he said this—

"The appointment being limited to persons who might be assumed to be of high judicial authority, . . . care had been taken that the Judges selected under the Bill should be men presumed to be qualified to form members of any supreme tribunal."—[*3 Heward, ccviii. 931-2.*]

With that language the Attorney General introduced the clause. Now, no provisions had been indicated by any hon. Member except those referred to by himself (Mr. W. Williams), and he appealed to the candour of the House—suppose he had got up and objected to the clause upon the ground that it left the law exactly where the former Bill would have left it, and would have enabled the Government to appoint anyone qualified to be made a Judge by passing him through the formality of being made a Judge of one of the Superior Courts, what reply should he have received? He could only say he felt what he should have deserved if he had made use of such an argument. He did not believe for one single moment that the Government had paltered with the House in a double sense. He believed they understood the clause as it had been received, in perfect good faith—that it meant what he, for one, had hoped the clause would be. When the time came for filling up the appointment, he readily acknowledged that it would not have been a befitting proceeding for the Government to have hawked the office about, if they had a fair reason to believe that the offer of it would be rejected; and if the Government had only confessed like men that they had been disappointed in the Act, and that the necessity of the public service had compelled them to put a forced construction on it, trusting to Parliament for condonation, the Parliament under those circumstances, would not have refused to condone their conduct. They, however, not only did not take that course, but they justified the construc-

tion they put on the Act, and therefore he could only come to the conclusion that Government deliberately put a forced construction on the Act of Parliament in order to get over the difficulty. The provision that the Queen should appoint persons having a certain qualification could only mean that the qualification must exist when the selection was made. If it were said that a man appointed to a certain office should be a Master of Arts, then he could understand that when the individual attained to that degree the qualification was obtained *ipso facto*; but it was not contended that if the Government appointed a person as Chief Justice in Calcutta, only for the purpose of passing him on to the Judicial Committee of the Privy Council, that that would be a good qualification. Therefore it was plain that the qualification in the Act was intended to be something more than the mere fact of a man being made a Judge for that purpose only. It was conceded that, taking the narrowest construction of the Act, the Judge to be appointed must be an actual *bond fide* Judge, and one able and also willing to accept and fill the office, and discharge the duties of a Judge of the Superior Courts of Law; and it was a remarkable fact that Sir Robert Collier was not willing to fill the office, and *bond fide* discharge the duties of a Puisne Judge. It was also remarkable how Sir Robert Collier could take the oaths of office as Judge in the Common Pleas, knowing that he was not appointed for the purpose or with the intention *bond fide* of holding and fulfilling the duties of that office. He did not put the case of the Government nominating a succession of Judges to the Court of Common Pleas, for the purpose of passing them on to the Judicial Committee of the Privy Council, as it was conceded that such a course would be an abuse of the statute. It appeared, therefore, to him that the Government, with their eyes open and with deliberation had, for the purpose of extricating themselves from a difficulty they supposed they were in, violated the declared intention of the Legislature, and upon those grounds he felt compelled to vote against the Amendment.

Mr. SERJEANT SIMON said, he must remind the House that they were not called upon to vote on a question of party politics, but to pass a Vote of

Condemnation on the Government as violators of the law and perverters of a statute of their own making. A question of that kind must necessarily be referred to legal principles of construction, and the House—sitting as it was judicially upon the conduct of the Government—was bound to look to the strict interpretation of the law before pronouncing its condemnation. One of the difficulties he found himself called upon to contend with arose from the looseness, inaccuracy, and the vague and even changeable character of the expressions employed to express the charge against the Government. His hon. and learned Friend who had just sat down (Mr. W. Williams) ended his speech by saying that he believed the Government to have been guilty of straining and violating the statute. What was meant, he would ask, by straining a statute? His hon. and learned Friend evidently did not mean to say that straining was violating; and if it was not, it did not come within the charge made against the Government. Yet the two terms were employed together, as if each were meant to cover a separate tangible offence. He found by the terms of the Motion that the House was called upon to say that it had

"Seen with regret the course taken by Her Majesty's Government in carrying out the provisions of the Act of last Session relative to the Judicial Committee of the Privy Council."

There were, however, no grounds stated why the House should express its regret, unless they were contained in that part of the Motion which stated that the House was

"Of opinion that the elevation of Sir Robert Collier to the Bench of the Court of Common Pleas for the purpose only of giving him a colourable qualification to be a paid Member of the Judicial Committee, and his immediate transfer to the Judicial Committee accordingly, were acts at variance with the spirit and intention of the statute, and of evil example in the exercise of judicial patronage."

Now, what was a "colourable qualification?" A colourable thing was something not real; and if the expression was applied in that sense—to the effect that the Government had given to Sir Robert Collier a qualification that was not real—then the Motion should have been couched in much stronger terms than those employed in it, because then the Government must have been guilty of a most deliberate violation of the

statute. But if the qualification was not "colourable," then it was substantial and real, and if so the foundation for the charge was gone. In the letter of the Lord Chief Justice it was said that there had been an evasion of the statute, and therefore a "violation" of it; but to evade a statute was not to violate it. When a man evaded a law he did not break it; he avoided breaking it. In fact, all those terms "colourable," "evasion," and "spirit of the statute," and mere rhetorical expressions for the purposes of argument, were entitled to no weight. The true question for the House of Commons was what was the meaning of the statute, and that meaning was to be found in its letter, and the House ought to be bound by it. [Opposition cheers.] He was glad to hear hon. Gentlemen opposite cheer, because it showed they were content to abide by the meaning of the Act. The terms of the statute were that the person to be appointed by the Judicial Committee should be, or have been, a Judge of one of the Superior Courts. It had been stated by the Lord Chief Justice that if it had been intended to place persons other than Judges on the Judicial Committee, nothing would have been easier than to have express that in the statute, but the latter was entirely silent on the subject. With equal force it might be argued that if it had been the intention of the Legislature to require judicial experience as the qualification, nothing would have been easier than to have said so; but, in fact, there was no mention of anything of the kind in the statute. Nothing was prescribed as to length of judicial service on the Bench before the translation of a Judge to the Judicial Committee. The statute was utterly silent on the point. The qualification intended, might, therefore, mean judicial status simply, and if there was any doubt on the subject, and the Government had erred in construing the statute, that furnished, he maintained, no sufficient ground for censuring their conduct. Under the Act of William IV., by which the Judicial Committee was created, and with which the Act of 1871 was in *pari materia*, after specifying certain high official persons who were to be Members of the Judicial Committee, it was provided that it should "be lawful for the King from time to time, by his Sign Manual, to appoint

one or two other persons, being Privy Councillors, Members of the Committee." He wished to know, then, whether creating a person a Privy Councillor for that purpose would be an infraction of that Act, and, if not, how could it be fairly contended that there had been an infraction of the law in the present instance? The two cases were precisely alike. Under the statute of last Session the qualification is the being or having been a Judge of a Superior Court; under the statute of William IV. the qualification is the "being" a Privy Councillor—that is, the person must be already a Privy Councillor. Now, it had been the practice under this statute always to create persons Privy Councillors for the express purpose of placing them upon the Judicial Committee, and yet no charge or suggestion of illegality has ever been made; and yet, if there be any force in the objection to the promotion of Sir Robert Collier, it would be equally applicable to every case of an appointment under the statute of William IV. to which he had just referred. His hon. and learned Friend who spoke last seemed to be alarmed lest anyone who had not sat on the Bench should be appointed to the Judicial Committee, but he would remind him that the Chief Justices were appointed to it direct from the Bar. Another instance which he might mention was that of the late Lord Kingsdown. The alarm about appointments without judicial experience was without foundation, because before the Act in question the Queen had the power of appointing a person without judicial experience to the Judicial Committee, and had done so. The late Lord Kingsdown was an illustrious instance. He admitted that the fitness of Sir Robert Collier did not determine the question of the meaning of the statute; but where that meaning was doubtful, where the construction was open to two or more interpretations, and the conduct of the Government was impugned, the fitness of the person appointed was a very material element in determining upon the *bona fides* of what they had done. The position of Attorney General, occupied with so much credit by Sir Robert Collier previously to his late appointment was a guarantee of his fitness for that office. Not only that, but it should be borne in mind that the Queen could have, at any time, placed Sir Robert Collier on the

Judicial Committee under the Act of William IV. As to the letter of the Lord Chief Justice, he (Mr. Serjeant Simon) would observe that it had been made the case against the Government, and he must say that, entertaining the greatest respect and admiration for the eminent man who so well filled the office of Lord Chief Justice, he deeply regretted the letter which he had written. He looked upon it as an unconstitutional act. He ventured to submit that it was not the duty or right of any Judge to offer even an opinion, much less a protest, against the exercise of the duties of a responsible Minister of the Crown. Once admit that that was the duty or the right of a Judge, and where would it not lead? On the one hand we should have responsible Ministers of the Crown, who for an error *bond fide* committed might be removed from office by a vote of the House; and, on the other hand, a Judge who might have thwarted those Ministers, but who, not being responsible to the House, could not be removed from his office. Suppose that when Parliament passed the Bill for the disestablishment of the Irish Church, a Judge who held the opinion with respect to the Coronation Oath which the Solicitor General of the previous Government then appeared to hold had advised Her Majesty that it was contrary to her Coronation Oath to give her Assent to that Bill, what would have been the consequences? If it was right for the Lord Chief Justice or any Judge to interfere in matters connected with the Executive Department of the State, it would be right in the Government to call in the advice of the Judges. In that way a responsible Government might be either sheltered or thwarted by irresponsible advisers against the interests and will of the country, and no end of complications must be the result. He trusted that there would be no repetition of such interference on the part of the Judges. He had felt it his duty, however, not to allow the conduct even of the Lord Chief Justice to pass unchallenged. In conclusion, he thought that for all that, there was perfect good faith in what had been done by the Government, and that the charge of violation of the law had not been made out against them, and that there was no ground for the censure of the House.

Mr. Serjeant Simon

MR. CHARLEY said that the hon. and learned Serjeant (Mr. Serjeant Simon) appeared to have some difficulty in defining the difference between violating an Act of Parliament and evading it. He (Mr. Charley) thought he could relieve the learned Serjeant's mind upon that subject. To violate an Act of Parliament was illegal—to evade it was immoral; and they charged the Government with being guilty of an immoral act. The hon. and learned Serjeant had also argued that the promotion to the Privy Council as a qualification for a seat in the Judicial Committee was virtually the same thing as promotion to the judicial Bench for that purpose; but the difference was this—that in the former case the person continued all his life to be a Member of the Privy Council, whereas in the latter he was only a member of the judicial Bench for a few hours or days. He regretted that the Government, by the course they had adopted, had cast an undeserved stigma on an honourable man. The name of Sir Robert Collier, he feared, would be handed down to posterity, associated with an extraordinary feat of politico-legal gymnastics. He doubted whether the Amendment was strictly in Order. It seemed to be a mere argumentative traverse or denial of the original Motion. Why had not the original Motion been met with a direct denial? He thought the reason was plain. The right hon. Gentleman at the head of the Government had told them he was desirous that the question should be brought forward on a night when an Amendment might be moved in support of the Government. An Amendment had been moved by the hon. and learned Member for Richmond (Sir Roundell Palmer), in order that his name might appear for days upon the Notice Paper of the House in opposition to that of the hon. Member for South-west Lancashire (Mr. Cross). What was the position of the hon. and learned Member for Richmond in that House? The hon. and learned Gentleman was the most popular Member of that House, because he had conscientiously refused to accept office under a Government which had undertaken to carry a measure which he could not approve; but it was looked upon merely as a question of time when he could conscientiously accept office. The present Lord Chancellor

had been simply regarded as his *locum tenens*, and therefore it was quite natural that the hon. and learned Gentleman should come forward to-night and throw his *egis* over that noble Lord. With regard to the merits, or, perhaps, he ought to say the demerits, of the case, no doubt whatever could be entertained, if reference were made to the debates upon the question in 1870 and 1871, that the scope and object of the Act of last Session was that none but persons of judicial experience should be placed on the Judicial Committee of the Privy Council. When it was proposed that barristers of 15 years' standing should be eligible, the proposal was condemned in severe terms by the right hon. Member for Oxfordshire (Mr. Henley) as a degradation of the supreme appellate tribunal, by the hon. Member for York (Mr. J. Lowther), and the hon. and learned Member for Oxford (Mr. V. Harcourt), who challenged the Law Officers of the Government to rise in their places and defend the Bill. The Bill, however, was left in the hands of the Home Secretary, and that right hon. Gentleman deliberately withdrew the proposal that barristers should be eligible. Well, in 1871 this proposal did not appear in the Bill introduced by the Government, and allusion was made to that circumstance by the Attorney General. It was useless to speak of Lord Kingsdown and other eminent men as having been Members of the Judicial Committee, though they had not the qualification of being Judges. That was not the matter under discussion. What the House was discussing was this, whether the Act of 1871 did not require a special qualification; and, whether that qualification was not conferred on Sir Robert Collier in a colourable way? The hon. and learned Member for Richmond cited the case of Vice Chancellors. But when they became Members of the Privy Council, they did not cease to perform the functions of their office as Vice Chancellors. And so of the Lords Justices. But in this case the Common Pleas had been "made use of," in the language of Chief Justice Bovill, in order to confer a colourable qualification. A point precisely similar arose with reference to the Church of Ireland. He had the honour to be a member of the General Convention of the Irish Church, and a barrister who was a Queen's

Council brought forward a motion to the effect that Queen's Council should be eligible to sit on the supreme appellate tribunal of the Irish Church. The clergy, almost to a man, opposed the motion. They would not, they said, submit to anyone who was not a Judge of the land; and the motion was lost. Would it not have been a fraud on the Irish clergy for a Queen's Council to have been made a Judge of the land solely in order that he might sit in judgment on the Irish clergy as a member of the supreme appellate tribunal of the Irish Church?—and he put it to them whether the countless millions of India, and the inhabitants of their vast colonial possessions were not worthy of as much consideration as a small body of men like the clergy of the Irish Church. If the Motion of the hon. and learned Member for Richmond was not a mere argumentative traverse of the original Motion, it amounted to something more—it amounted to an approval of the conduct of the Government; and he would ask the House were they prepared to go out of their way to sanction this evasion of the law? Were they prepared to say to the newly-enfranchised working men that law-makers might be law-breakers with impunity? He denied that this was a party Motion; he affirmed it was a party move to oppose it. The greatest living Equity lawyer, a Liberal (Lord Westbury), had condemned the appointment. The Liberal Lord Chief Justice of the Queen's Bench had condemned the appointment, and their censure would be bestowed on that eminent Judge, if they were to support the Amendment. There was a time when the Executive was allowed to ride rough-shod over the Judges, but happily that time was long gone by. And even in the days of the Stuarts, Lord Chief Justice Coke was not afraid to rebuke, not merely the Prime Minister, but the King himself, when he ventured to assume judicial functions; and the present Lord Chief Justice was a worthy successor of a long line of illustrious predecessors. He would like to read the opinion expressed by one who sat upon the benches opposite of Sir Alexander Cockburn. It would be found in Foss's *Lives of the Judges*, vol. ix., p. 170—

"We like him because we know that his distinction was achieved by no back-stairs influence, by no political intrigue, by no political subservi-

ence, We like and admire him, because we observe every day that the command which he possesses of all the treasures and all the beauties of our noble language, enables him, whenever there is occasion for it, to refute whatever fallacies and sophistries are put forward before him; but most of all, we like him, we respect him, we love him, for this, that whenever he has occasion to reprove or rebuke—and no man in his position can be without some occasion to reprove and rebuke—he takes care always to temper authority with gentleness, and to rebuke without giving pain."

Such was the opinion entertained of the Lord Chief Justice of England by the late Mr. Justice Shee. He regretted that Mr. Justice Willes should have spoken of the letters of the Chiefs of the Common Law Bench as "advertisements." Mr. Justice Willes had cut away the ground from the Government, by declaring that they always intended to make this appointment. He should support the Motion of the hon. Member for South-west Lancashire (Mr. Cross).

THE LORD ADVOCATE: Sir, there can be no doubt that it is always within the competency, and, may be, according to the duty, of Parliament to call in question, and, if it see fit, to censure the conduct of Government with respect to the appointment of a Judge. I, for one, should not be disposed to characterize any complaint against the Government as a party manoeuvre, merely because it proceeded from, and found all or most of its supporters on, the Opposition benches. It may be of that character, but the circumstance to which I have alluded does not prove it to be so; for it is the function of the Opposition to watch the conduct of the Government more narrowly—I may say with more jealousy—in the interest of the public than its immediate friends and supporters may always be prepared to do. There is, however, one consideration of great importance which appears often more or less to be lost sight of in a discussion on the merits of such a complaint, and that is this—Whether the complaint itself, and the occasion of it are worthy of the interference of Parliament; and whether it is such that Parliament ought to express any opinion upon the conflicting views of the one party or the other. It is precisely with reference to that consideration that, upon the present occasion, the Amendment of my hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) appears to

be opportune. He would be a bold man, and more inclined than I should wish to be to doubt the honesty of the opinions expressed by others, who, after all that has been said and written as regards the appointment of Sir Robert Collier to the Judicial Committee of the Privy Council, allowed himself, whatever his opinions may be, and however strongly he may entertain them, to think that it was a subject about which there could be no difference of opinion in men qualified to form and entitled to express an opinion. For my own part, I entertain a very decided opinion upon it, and I share that opinion with very many eminent and distinguished men, whose judgment—corruption and jobbery being entirely out of the question—is entitled to respect, and will always be received with respect by me. But I am quite aware that another opinion is entertained by men of equal eminence, and whose opinions are also entitled to respectful consideration; and I would venture respectfully to press upon the House this—that before consenting to pronounce upon that conflict of opinion, they should well consider what is its nature and character, and what is the matter to which it relates. Now, what does it relate to? We know that there are several matters of great importance which have found expression in the course of the discussion, but only to be repudiated, to which it does not relate. It does not relate to any charge of corruption brought against the Government. When my noble Friend on the Woolsack defended himself against the charge which had been brought against him and the Government, he addressed himself in one part of his defence—["Order, order!"]—I do not allude to any particular place, but in a defence made by the Ministers against the charge brought against him. When I say, referring to the charge as involving an imputation of corruption and jobbery, he, with a becoming pride, and no unbecoming warmth—["Order, order!"]—I will not press the matter further than to say that on an occasion to which I am not entitled to make any reference, the noble Lord—to whose opinions many of those who are assailants of the Government would very readily defer, in a manner not unbecoming his character and distinguished position, and which met with universal approbation, repu-

Mr. Charley

diated any idea of there being any imputation of corruption and jobbery. ["Order, order!"] I will not in the least pursue the subject. I think I may take it for granted, without making any such reference—which I am reminded by the House is irregular—that there is no charge of corruption brought against anyone. The House, therefore, is not asked to express its opinion upon any such charge. On the contrary, it has on all hands been most emphatically repudiated. It does not relate to any failure on the part of the Government duly to attend to and provide for the real and substantial performance of a public duty, and I think this is a very important consideration, if it be the fact that the present Motion has been proposed in the interest of the public, and not of any political party. Then, there is no charge against the Government that they have failed duly to provide for the real and substantial interest of the country, for it is admitted by everyone that Sir Robert Collier was not only really qualified, but most eminently qualified, to perform the duty to which he was appointed. It does not regard any charge of illegality, because it is admitted by everyone whose opinion is entitled to weight or consideration, that the conduct of the Government is not blameable in that respect. It has been said by lawyer after lawyer, even by those who entertain a difference of opinion in regard to other points, that there can be no difference of opinion among lawyers that the appointment of Sir Robert Collier first to the Common Pleas, and then in succession to the Judicial Committee of the Privy Council, was perfectly legal. Everyone concurs, then, that there is no charge on those three grounds—corruption, failure in attending to the public interest, or illegality. What, then, is the point of controversy? It dwindles down almost to the mathematical definition of a point—it has position, but not magnitude. We have been referred to the distinction between Common Law and Chancery Law. We have been told of the position occupied by Common Law lawyers, and the question has been elucidated by a reference to the sublime character of the Court of Chancery, and we have been told that, according to the views of those who practice before that elevated tribunal,

the point in discussion, invisible to the grosser eyes of common mortals and Common Law lawyers, was very distinctly discernible by Chancery lawyers. The question was put in this way—the appointment of Sir Robert Collier to the Common Pleas was quite right and proper, his transference from the Common Pleas to the Judicial Committee was also quite right and proper, and then, by some extraordinary reasoning, not distinctly perceptible to any common mind, it is argued that these two rights make a most intolerable wrong. We have all heard that two blacks will not make one white; but I do not remember to have heard before that two whites make one black. It may be very sublime reasoning, but it has made it quite clear to my mind that there is but one step—and that is a short one—from the sublime to the ridiculous. This view has also been taken, that the qualification for an appointment on the Judicial Committee must exist not merely at the time the appointment was made, but at the time when the resolution for the appointment was first taken. I do not know how people can tell the exact time when a resolution is first taken. But can it be so in reference to any appointment whatever? Suppose it necessary in order that you should qualify a man for a place, that he should be a Peer, and you select a man eminently qualified to perform the duty of the situation, but who happens not to be a Peer, is he not created a Peer that he may have the necessary qualification which the statute requires? I do not mean to say that the case is altogether analogous, but it is a case which supports the argument in answer to the proposition with which I am dealing. That proposition is, that you do not act fairly, if in any case which by law or practice requires a particular qualification, you do not appoint a person who has it at the time of selecting him. That cannot be. You must make choice of a man qualified to perform the duties of the office, whatever they may be, and the qualification with respect to his being a Member of the Privy Council, may be conferred on him after the choice is made. A great deal has been said founded on the difference between the letter and the spirit of the statute. For my part I see no difference whatever between the letter and the spirit of an Act of Parliament.

The accusation is that the letter has been followed and the spirit violated; but in this case it appears to me that you have done what is perfectly legal in carrying out the spirit and intention of a perfectly unambiguous Act. Can it be said that you have violated your duty in appointing a gentleman personally qualified in every way for an appointment on the Judicial Committee? If the person appointed had been a retired Judge, certainly the Act of Parliament might have been evaded. If, in a case where there was a question of any unfitness arising from age and infirmity, such an appointment would have been undoubtedly beyond the spirit of the Act of Parliament, although within its letter. The spirit and intention of the Act was, that the public service should be duly attended to, and the qualification of any Judge was, that he should be competent. Suppose the qualification for the office of Judge to be, that he should be a barrister of 15 years' standing, and you appointed a barrister who, although called to the Bar many years before that, had spent all his life out of practice, as a country gentleman, you would be violating the spirit of the Act, though you might be complying with and obeying the letter. As I said before, the whole question is one of fitness, and the qualification of the person appointed is the capacity for the performance of the duties with which he is entrusted. An Act of Parliament can have but one meaning, and when once that is determined no other meaning is admissible in that sense. Therefore, whether in the Court of Chancery or Courts of Common Law, neither this nor any other Act of Parliament, nor, indeed, any instrument whatever, or any spoken words, can have more than one meaning. Now it does not appear to me that the Act of Parliament in question is ambiguous. It does not appear to me to be capable of two constructions, so that there may be a dispute as to which of two probable meanings was the true one. The Act says that the person who is appointed must be, or must have been a Judge. But it does not follow that he must be a Judge at the time when the choice falls upon him. It has been asked more than once by some who, I think, have not sufficiently reflected upon the matter—"If that be not the meaning of the Act, what meaning has it?" Well, I

will tell you what meaning it has. If the Bench is full—if there are no vacancies upon it—you must make your selection from the Judges who are there. There may be retired Judges who are open to you, who may or may not be fitting persons to appoint to the Judicial Committee; but from the retired Judges or Judges upon the Bench, you must find the best men you can. But suppose the Bench is not full, is it contended that the meaning of the Act is, that you must exhaust every man whom you find there, and have the refusal of them all before you can proceed to fill up the vacancy? But suppose that had been done—suppose that every Judge who was upon the Bench at the time Sir Robert Collier was appointed had been offered a seat upon the Judicial Committee, and had declined, what course was then to be open to the Government? There were two vacancies—one in the Court of Common Pleas, and one in the Court of Queen's Bench. That in the Common Pleas had been occasioned by the promotion of Mr. Justice Smith, and that in the Queen's Bench, since filled up, had existed for a long period. But had all the Judges on the Bench declined, I presume it would have been quite competent for the Government to have filled up those two vacancies, and to have appointed one or other of these gentlemen to a seat on the Judicial Committee. Indeed, it would have been a matter of necessity. I submit—and I feel every confidence in the soundness of what I say—that it would be quite legitimate in filling up a vacancy upon the Bench, to consider the eligibility of the person appointed, and the willingness of the person appointed to accept a seat upon the Judicial Committee. The vacancy in the Common Pleas was filled up with reference to the eligibility and willingness of Sir Robert Collier to go to the Judicial Committee of the Privy Council. What was the object in view? The object was to give him a qualification for an office for which he was eminently fitted, with a view of benefiting the public service. Had any person been appointed a Judge in the Court of Common Pleas who was unfit for the post, undoubtedly the Minister who appointed him would have been liable to censure; but if he is fit for that post, and he is appointed in order that he may be transferred to a position for which he is admittedly and

The Lord Advocate.

eminently qualified, I cannot concede that that should be made a ground for censure. I shall support the Amendment.

Mr. G. HARDY and Mr. DENMAN rose together, but the former giving way,

Mr. DENMAN said, he was extremely obliged to the right hon. Gentleman opposite (Mr. G. Hardy) for affording him the opportunity of being heard, because he felt that, little as was the approbation which was extended to his endeavours to enlighten the House, he should have had but a very slight chance of obtaining a hearing on this occasion had not the right hon. Gentleman so courteously and so unexpectedly given way. And he confessed he was most anxious to be heard, because he looked upon this as a most important constitutional question, and because many of his Friends had urgently desired him not to speak and not to vote against the Government. It was only because a profound sense of duty urged him on that he did not adopt their advice, and that he ventured to try and obtain a hearing on this occasion. No person would say that it could be an agreeable task to him to speak against his party. He did not think the right hon. Gentleman at the head of the Government could point to anyone who sat on his own side of the House who had given to the right hon. Gentleman a more constant, a more faithful, and a more loyal support than he had during the last 13 Sessions. At a time when it required some courage so to act, he had always, as the right hon. Gentleman in the Chair could testify, contended that the right hon. Gentleman was their rightful Chief. Again, it was no pleasant task for a man in his position to have to stand up and say that he thought the Lord Chancellor had been guilty on this occasion of a very grave dereliction of duty; and it was the less palatable to him to say so, because one of the arguments which had been urged by his Friends against his speaking was, that the course he took would be attributed to personal disappointment at the course adopted by the noble and learned Lord. But he held that there was no greater cowardice than the cowardice of being afraid to do that which one believed to be right from the fear that people would attribute it to a wrong motive. And with regard to his holding his tongue, because his duty lay one way and his in-

terests another, he never should be able to look his own children in the face if he pursued such a course—if he gave them reason to doubt their possession of a father—

"Qui libera posset

Verba animi proferre, et vitam impendere vero." Having got rid of any observations of the kind to which he had been referring, and trusting to the general character he had earned in that House to wipe away any such imputation as might, perhaps, be launched against him, he would deal at once with the very grave and important question before the House. That question seemed to him to resolve itself into this—Had the Government, in doing this joint complex act of appointing Sir Robert Collier to the Bench of the Court of Common Pleas, with a view of appointing him afterwards—and actually appointing him, to a seat on the Judicial Committee of the Privy Council, violated the spirit and intention of a very recent Act of Parliament? When he first heard of the contemplated appointment, he thought that to carry it out would be such a violation; he had then made no secret of his opinions, and he was confirmed in that opinion after having heard the speech of his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer), and having read what was said in the House of Lords on the same subject. He was convinced that the appointment was a very grave act, which, if not visited with censure, or understood to be censured, by both Houses of Parliament, though no absolute Vote of Censure were passed, might occur again, and if it did so occur would tend to shake the security of our laws, weaken the authority of our Courts of Justice, and so do the greatest possible detriment to the rights and liberties of the people. In order to form an opinion on the subject, he would briefly consider what had occurred in Parliament with reference to the question, and then state the opinion he had formed—a course he felt bound to take from the position he held as a member of the Bar, and as one of those who valued and respected the high estimation in which the tribunals of the country had always been held. The charge made against the Government was not, in his opinion, at all too strongly stated in the Resolution before the House. He was himself of opinion that the qualification by means

of which Sir Robert Collier was appointed to his position was a colourable and not a real one, and that the act done by the Government was one which deserved the censure of Parliament in the words of the Resolution. He felt that he could not vote for the Amendment of his hon. and learned Friend, without giving the act done his approval to the extent, at least, of encouraging future Governments, when backed by strong majorities in that House, to give the go-by to Acts of Parliament which were, or ought to be, the security of the people. Let him state what he understood by the spirit and intention of an Act of Parliament. He did not go altogether with the large admissions which had been made even as to the actual legality of the appointment. In one sense doubtless, it was strictly according to the mere words of the Act, but it was gravely doubtful whether, taking the words of the Act altogether, a Court would not even now hold that the appointment was illegal. That was a matter which might arise hereafter; but whether strictly legal or not did not make the slightest difference so far as the Motion was concerned, because there were many things done which, though strictly legal according to the mere letter of the law, were nevertheless totally at variance with its spirit. To get at the spirit and intention of an Act, they must inquire what the Members of the Legislature understood at the time when they assented to the measure, and look carefully to the whole scope and to every word of the enactment, instead of to disjointed passages and selected phrases from its provisions. What, then, was the history of the measure? In 1870 a proposal was made that certain barristers of 15 years' standing should be paid salaries of £2,500 per annum, selected Members of the Privy Council, and appointed Judges of the Judicial Committee. That proposal was ridiculed by Lord Cairns, and though the Lord Chancellor maintained that the services of very good men could be obtained for the sum mentioned, the Bill was rejected by the House of Lords. When it came to the House of Commons that part of the measure was given up, and as an alternative it was proposed that the Judges should be allowed to retire from the Superior Courts after ten years' service, in consideration of their serving perma-

nently as Judges of the Privy Council. The meaning of that clearly was, that the House of Commons were willing to make the terms of retirement to the Judges more easy, in order to obtain upon the Privy Council the services of men whose judicial qualities had been tried and approved, and who could, therefore, be trusted to sit as members of an important appellate tribunal. When the question came on in the House of Commons the discussion turned upon the desirability of appointing the barristers of 15 years' standing, and the hon. and learned Members for Taunton and the Denbigh Boroughs (Mr. H. James and Mr. W. Williams) strongly opposed the appointment as Members of the Judicial Committee of the Privy Council of gentlemen who had no judicial experience. That might or might not have been the right view of the question; but it was a perfectly intelligible one, and was generally accepted by the House. In 1871, the Bill which was the foundation of the Act now in force was sent down from the House of Lords, and it was a mistake for anybody to suppose that the Bill so sent down differed materially from the Act as passed, so far as the point now under discussion was concerned—namely, whether the Judges appointed were or were not to be men possessed of judicial experience. The Bill, as sent down, stated that two of the four Judges to be appointed must be, or must have been, Judges of the Superior Courts in England, and the other two must have been Chief Justices in one or other of the Indian Superior Courts; the Bill as passed into law did not alter the qualification, so far as each class was concerned, but simply provided that the whole of the four might belong to either of the classes originally specified, and did away with the division of the four into two of each class. The other provisions relating to the persons to be appointed did not affect this main point of the qualification. The point was put so clearly, and was so clearly understood by Members of the Legislature, that in his opinion, it could never have entered into the mind of anybody, except of a person determined to wrest an Act of Parliament to his own purposes, and not to construe it according to its spirit and intention, to say it was intended by the Act that a person should be appointed to a seat in one of the Superior

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Courts, merely for the purpose of giving him a qualification to sit in another Court to which he was immediately to be transferred. If such a thing might be done with an Attorney General, it might equally bedone by any Government to any barrister of any standing whatever. If these provisions did not mean what he contended, what was the use of introducing them? What could be the meaning of such provisions, if the Ministry might at any time select a man who had never been a Judge at all, give him a Judgeship, and then make him a paid Member of the Judicial Committee? That this did not occur to the Government as possible when the measure was under consideration, he himself had the best proof, because when the Bill was in the House of Commons he was asked whether he would place an Amendment on the Paper, for the purpose of qualifying the Attorney General and ex-Attorneys General, which, however, he declined to do. ["Hear, hear!"] He did not mean to say that he was asked to do that by any Member of the Government, but he was asked by some one. ["Name."] It would not, in his opinion, be fair or right to give the name. But he was asked by some one who stated that such an Amendment was thought desirable by several persons, including the hon. and learned Member for Richmond (Sir Roundell Palmer), who, however, it was added, felt a delicacy about proposing it, because he was an ex-Attorney General himself. That was what occurred, though whether his hon. and learned Friend the Member for Richmond had been misrepresented or not he was unable to say.

SIR ROUNDELL PALMER: With regard to what has just fallen from my hon. and learned Friend, I can assure him this is the first time I ever heard of such a thing.

MR. DENMAN said, he could not help that; but he could assure the House that he was asked to move such an Amendment. The circumstance, at all events, proved to his mind that the person who had spoken to him on the subject, had led him to believe that the hon. and learned Member for Richmond himself did not think at that time that the Bill contained any provision which would allow an Attorney General to be appointed.

SIR ROUNDELL PALMER: I wish to make myself understood by my hon. and learned Friend, and am sorry to find that I have failed to make myself understood by him; but I must say that I never stated to any person that I was of opinion that the Attorney General and ex-Attorneys General should be introduced, nor had such an idea ever crossed my mind.

MR. DENMAN said, he did not mean to say that his hon. and learned Friend had ever said anything of the kind; but he was given to understand at the time that his hon. and learned Friend was in favour of the proposition, and the circumstance was mentioned to him in order to induce him to move the Amendment. However, it certainly did produce in his mind the notion that his hon. and learned Friend himself had never thought such an appointment was within the four corners of the Bill at the time it was in the House of Commons. The question now under discussion did not, however, turn upon scraps of conversation or anything of that kind, and what he had just stated was of far less importance than the words of the Act and what was stated in the House of Commons during the debate on the Bill. His hon. and learned Friend had stated that he might be induced to pass a Vote of Censure on the Government, if such a transaction as this were often repeated; but he went on to argue that there was nothing wrong or censurable in it, if it only occurred once. For his own part, he was unable to admit the force of such an argument, and he must say that in his judgment his hon. and learned Friend had here been guilty of inconsistency; for if such a thing once done, were not to be censurable, how was it that putting a number of such nothings together, you could, out of a number of nothings make up something that was in itself really censurable? What did the persons who brought forward this measure in both Houses of Parliament in 1871 say about it? In the first place, he would cite the words used by the Lord Chancellor when he brought forward the Bill in the House of Lords on the 29th of June, 1871. He said—

"It provided that two of them should be either Judges of the Superior Courts of Westminster (including the Divorce Court and the Court of Probate), or that they should be persons who, having served the Office of Judge in one of those

Courts, had retired from their judicial duties."—
[3 *Hansard*, covii. 725.]

Surely, the meaning of this was perfectly clear — namely, that in making a selection the Government would be limited to those two classes of persons; for the spirit in which Parliament understood the words was, that the persons to be appointed should be Judges who had been before the public in their judicial capacity, and whose judicial capacity had been tested, and it required considerable ingenuity afterwards to put any other construction on the Act. The persons intended to be appointed were Judges—not persons who were merely passed through the mill, as it were, in order to be sent into the Judicial Committee. Then, what were the words used by Sir Robert Collier, then Attorney General in the House of Commons. He said—

"The provisions of the Bill were very plain and simple, and very much what had been indicated by some hon. Members of that House last Session as the description of a measure which would satisfy the exigencies of the case."—[3 *Hansard*, coviii. 931.]

These words could only have reference to the remarks of his hon. and learned Friend the Member for the Denbigh Boroughs (Mr. W. Williams), and the hon. and learned Member for Taunton (Mr. James), which were to the effect that the persons appointed must have had judicial experience. Sir Robert Collier proceeded to say—

"Power was given to the Queen to appoint four paid Members additional to the Judicial Committee of the Privy Council—the appointment being limited to persons who might be assumed to be of high judicial authority."—
[*Ibid.*]

It was now argued that an Attorney General might be assumed to be a person of high judicial authority, because he might be appointed to a Chief Justiceship; but he did not think that was the meaning of the Act, or of Sir Robert Collier's words. Sir Robert, however, did not stop there, but towards the latter part of his speech, said—

"Care had been taken that the Judges selected under the Bill should be men presumed to be qualified to form members of any supreme tribunal, however constituted; and he might state that the Judges who would be offered seats under the Bill in the Judicial Committee would be given clearly to understand that their services should be considered available for any Appellate Court which Parliament may hereafter constitute."—
[*Ibid.* 932.]

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Sir Robert Collier did not speak of the "persons to be selected," or the "barristers to be selected," but "the Judges to be selected." Again, he did not speak of the barristers or Attorneys General who would be "offered seats," but of "the Judges." The words he had quoted were perfectly conclusive as to the real meaning of the Legislature at the time the Bill passed through the House of Commons; his conviction as to what that meaning was had not been shaken by anything he had heard in the House, and the intention clearly was that selection should be confined to a very special class indeed. Taking the Act of 1870 and what occurred with regard to it, the Act of 1871, the debates upon that Act, and the references made therein to the debate of the previous Session, he was convinced it was never contemplated to do that which had been done. The idea that it was never could have occurred to anybody from reading the Bill, still less could it have occurred to him after the communications that passed with himself, with a view to making alterations which were not required, if such an appointment as this was already provided for by the Bill. He maintained, therefore, that the intention was, that Judges only in the real sense of the word should be appointed. With reference to what had been done under the Act, he did not shrink from saying that if all the Judges of the Superior Courts of Law, Equity, Probate, and Admiralty had been applied to, and had declined to take office under it, still it would have been wrong to give to the Act the go-by, and to put into the Committee some one who was not qualified according to the Act. He said that very decidedly, for he believed it very firmly. Nothing could be more damaging to our institutions, or less like the conduct of a Liberal Government, than to do an act which in any way derogated from the supremacy and the majesty of the law, not only according to its letter, but according to its spirit and intention; and if such an act had been done by one to whom he was as devotedly attached as he was to the right hon. Gentleman at the head of the Government, by one whom he admired as much as he did the Lord Chancellor, and by one whom he respected so highly as he did the late Attorney General—to whom he was indebted for many personal kind-

nesses, all he could say was the more exalted the men were and the more blameless their private characters, the more dangerous was their act, and the more it became Parliament to censure that act if it was as detrimental as he believed it to be. But let them consider what some of the topics of the defence were. It was said it was doubtful whether the Judges would not have gone on one after another refusing the office, if it had been offered them, so that it would have been impossible to make a proper appointment. He happened to know of two Judges who felt deeply hurt that they were not asked to take this appointment; one of them was a former Solicitor General of the Liberal party, and the other was a man who occupied a seat in that House for many years, a supporter of the Government, and a man who was in every respect an ornament to the Bench. If either of those Judges had received the appointment the selection would have been approved by the profession; it would have commanded confidence, and the Act would have been complied with, because either of them would have brought into Court what Sir Robert Collier could not, long judicial experience. Therefore, until the Government had asked those Judges, it was not for them to say they were in any difficulty. Further, he had it from good authority that not one of the Judges of the Court of Queen's Bench had the offer of the appointment, though whether they would have declined it or not he did not know. After all, he did not think that a very material part of the case; it was only an answer to a portion of the defence that had been made. If no one Judge had accepted the offer, still the Act should not have been strained in the manner it had been. It was said that four of the Equity Judges held the view that the Government had the right to do what it did; but he presumed that one of the four was the Lord Chancellor himself, so that left the Equity Judges three and three, or very much in the same condition as the House of Lords when it spared the Government by the casting vote of the Lord Chancellor. He did not say this with any disrespect to the Lord Chancellor, who, because this was made the ground of attack on the Government, was entitled to vote as a Member of the Government. Suppose four of the Equity Judges took the same

view as the Lord Chancellor, who were the best qualified to form an opinion on this matter?—the Common Law Judges, through one of whose Courts this pantomime was passed, or the Equity Judges, who sat in a clear and serene atmosphere, as it was called, at a great distance, and who were not much affected by such a transaction. During the short time Sir Robert Collier sat on the Bench in the Court of Common Pleas, he had the honour of appearing in the Court, and it was painful to address a Judge whom you knew to be there, not really as a Judge of that Court, but merely for an ulterior object, wearing his predecessor's robes, which were observed to be too short for him. It was a case in which time might have been taken to consider the judgment, and in which the Judges might have been equally divided, and yet there was the probability that, in such an event, before their decision could be given, one of them might be transferred to another place. Generally, when a Judge is new to the Bench he is silent, feels his way, and learns his duty by observing his fellows; but, if a Judge were put on the Bench for a few days, it was to be expected he would show a little morbid activity; and he thought he observed that Sir Robert Collier said a little more than he would have done if he had been an ordinary Judge on the Bench. He did not wish to be jocose, for he believed the case to be one of deep importance. Our institutions were becoming more and more Democratic. ["Hear, hear!"] Whatever that cheer meant he did not object to the fact, but, as our institutions were becoming more and more Democratic, it was the more vitally important that our tribunals should be kept independent, and that nothing should be done to degrade them; and anything which had the tendency to do that was to be regarded as most dangerous. He could not help thinking, from what he had heard with regard to the opinions of certain Members of the Government, and from Bills that had been before the House within the last two years, that there was a desire to do something to render our Courts less independent, to place them on a lower basis, to prevent them being able to stand between the Crown and the subject, between the Government of the day or a popular majority in the House of Commons and the rights of the individual.

vidual subject, and that there was a disposition on the part of persons now high in authority to destroy some of the securities which we possessed for the independence and the high character of our Courts of Justice. Two years ago there was introduced a Bill which he put his name down to oppose, because no one else did so, and the delay of which was a cause of dissatisfaction to Members of the Government, and the object of the Bill was to fuse the Courts at Westminster — he did not allude to the fusion of Law and Equity — into one high tribunal, and to place the Lord Chancellor, a Cabinet Minister, at the head of it. No Lord Chancellor who thoroughly understood the importance of our Common Law Courts, particularly of our Criminal Courts and our Court of Queen's Bench, would have proposed such a Bill ; and he could not help thinking it was an indication of a state of mind similarly in the dark as to what were the requirements of the country which had caused the Lord Chancellor to use the Court of Common Pleas in such a way as, in the opinion of the Chief Justice of that Court, to degrade it, by turning it to a purpose which was derogatory to its position as one of the great Superior Courts of the country. If that conduct were passed over without censure, or what the Government should consider as a censure, there would be the greatest possible danger of similar acts being done again. He hoped what had occurred, whatever might be the result of the debate, would prevent the repetition of such an act on any future occasion. He trusted the Government would feel that there was a real, honest conviction in the country, in the Press, and elsewhere, that our Courts ought to be kept sacred from attempts such as this to degrade or to tamper with them ; that our Acts of Parliament ought to be kept sacred, and be construed according to their spirit, not their letter. If such should be the result of this discussion he should be fully satisfied ; but, feeling as he did about this transaction, he could not with any respect for himself refrain from voting for the Motion of his hon. Friend the Member for South-west Lancashire (Mr. Cross).

MR. CRAUFURD said, he hoped, when his hon. and learned Friend the Member for Tiverton (Mr. Denman) took his seat on the Bench, which he had

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fairly earned by his knowledge, ability, and long services, he would not, in the interpretation of statutes, call in aid the debates in that House, or conversations in the Lobby. Although the legal points of the case had been argued at length, there was one important point which he thought had not been noticed. The Act of last year fully recognized and incorporated all the provisions of the Act of William IV., under which the Judicial Committee of the Privy Council had been originally constituted, and the 1st section of which enacted, among other things, that any Privy Councillor when appointed a Judge of the Court of Common Pleas shall thereupon become a Member of the Judicial Committee. Sir Robert Collier was sworn in a Member of the Privy Council on the 3rd of November. According to the Papers laid before the House, he was appointed Judge of the Common Pleas on the 7th of November ; he, therefore, became on the 7th of November not only a Judge of the Common Pleas, but a Member of the Judicial Committee of the Privy Council. Consequently, on the 10th of November, when Chief Justice Cockburn wrote the extraordinary remonstrance, which has been so justly condemned by the hon. and learned Gentleman (Mr. Serjeant Simon), Sir Robert Collier was already by operation of the statute of William IV. a Member of the Judicial Committee, and the only thing that was done by the Government after that remonstrance was to make him a paid Member of the Judicial Committee, with the same salary that he was entitled to as a Judge of the Common Pleas, but without any allowance for clerks. Considering these circumstances—considering that the legality of the appointment was indisputable, and had been frankly admitted, and that Sir Robert Collier's entire fitness for the appointment had been fully acknowledged, it was manifest that the whole matter resolved itself into the question of salary and allowance, and that but for the question of money nothing would have been heard of this case. Looking to the statement which had been made when the Bill last Session was under discussion, that none of the Judges would accept office under it, and to the fact that several of them had refused to accept office under it since it became an Act, it appeared to him that the Judges had determined to frustrate

the object of the statute, unless they got what they thought themselves entitled to—retiring allowances for their clerks. He was, therefore, of opinion that the Government had not only acted legally, but that they were upon every ground justified in making this appointment. It was said this was not a party move—but seeing in whose hands the Motion of Censure had been placed, it must be patent that this was not only a party move, but a personal move against the right hon. Gentleman at the head of the Government, and he, for one, would express the independent conviction he entertained that this appointment, entirely within the purview of the statute, would prove for the benefit of the judicial institutions of the country, and deserved the entire approval of that House.

MR. GATHORNE HARDY: Sir, I am very glad that I gave way to the hon. and learned Member for Tiverton (Mr. Denman), as I thought it due in justice to him, because he had risen on several occasions, and from the position he holds it was natural that he should be anxious to state his reasons for voting for the Motion. I will not detain the House by advertizing at any length to the observations of the hon. Gentleman who has just spoken (Mr. Craufurd), because, so far as Sir Alexander Cockburn is concerned, he is able to take care of himself; and I may say that if he had been in "another place" a great deal that has been said with respect to him would have remained unsaid and in obscurity, and would not have taken a form which is hardly creditable to anyone. It seems to me not to lie in the mouths of those who have objected to the comments of Sir Alexander Cockburn, to say that he should not have published his letter, when the letter of another Judge was not only referred to, but he was actually invited to write that letter. If it was wrong in the case of Sir Alexander Cockburn to blame, it was equally wrong in the case of Mr. Justice Willes to praise. If it was wrong for Sir Alexander Cockburn to state that he abstained from expressing any opinion, lest he should be called upon to pronounce upon it in his judicial capacity, surely it was unfair to invite another Judge to give an opinion on a question which he might be called upon to decide in his judicial capacity. The

Chief Justice is the guardian of the Common Law Courts. He says he had heard that a step would be taken to degrade those Courts by making them a mere stepping-stone—a mere passage into another office, for which another qualification was intended to be given, and that he had written as he did in order to prevent, if possible, the taking such a step. The hon. and learned Member for Tiverton has gone so fully into the question that I will endeavour to be as brief as possible, although there are some points on which I think I can strengthen what he has said. The question is whether, when you lay down limitations of an Act of Parliament, they are useless if the Executive can put a person into a position to override the Act, and that the only limitations that are effective are such as cannot be dealt with by the Executive. When you lay down in an Act of Parliament that paid Members of the Judicial Committee shall be chosen from one of the Superior Courts of Westminster, I ask any man of plain common sense, looking at the Act of Parliament, whether he would have imagined it possible that you should take a man appointed as a Judge, not to be a Judge, but for a purpose—put into a place, not to act as a Judge, but for a special purpose, to take his place as a paid Member of the Judicial Committee? You have forbidden barristers even of 15 years' standing being appointed, and by so doing you have in fact forbidden the Law Officers of the Crown being appointed to those high judicial offices. And yet you seized upon one of those very Law Officers, who is a barrister of a certain number of years' standing, and made him a Member of the Privy Council on the 3rd November, at which moment he offered himself for the post. Do not let it be said that at the moment of appointment to the Judicial Committee Sir Robert Collier was qualified, for it was on the 3rd of November that he really accepted the office, when he presented himself as Member of the Privy Council, though he was not appointed to be a Member of the Judicial Committee until the 22nd of November. Does anyone doubt, however, that he had accepted the office long before? Would Sir Robert Collier have accepted a *Puisne Judgeship*? Such a course would have been contrary to practice, and as a matter of fact he

was desirous of repose upon the Judicial Committee. Then what is the use of all the forms we have laid down? Why leave out barristers of 15 years' standing? Why leave out the Scotch and Irish Judges? And yet if this is the proper interpretation you put upon the Act, it is in the power of the Lord Chancellor to make a Scotch or Irish Judge an English one only for the purpose of transferring him to the Judicial Committee. To go outside this Act, let us suppose that there was an Act requiring that the holder of a particular office should be a colonel of Engineers, would anyone contend that it would be proper for Her Majesty to select any person, and, passing him over the heads of other officers, make him colonel of Engineers for the purpose of giving him the necessary qualification? That, no doubt, is an argument *idem per idem*, but it is necessary that you should look at the same point in different ways, and thus you will, I think, be enabled to see by the terms of the statute itself what the intentions of Parliament really were. It is said that this appointment was not made for any improper purpose. That may be quite true. Indeed, no one has ever said that it was made for a corrupt purpose. It is also stated that the person selected in this case was perfectly fit for the office. Well, in a certain sense, I should not for a moment dispute Sir Robert Collier's fitness for the higher office to which he has been promoted; but, at the same time, I wish he had achieved his object in a better way. Nor do I intend to challenge in any way the intentions of the Government in this appointment. Supposing, then, we admit all these things, I ask whether it alters this question in any degree? If the law were not only in itself clear, but made especially clear by the debates which took place in 1870, and by the declaration of the Government in 1871, I would say that that conduct shows that it is not a question of a technical fact, as the hon. and learned Member for Richmond (Sir Roundell Palmer) called it, but one of a very substantial character. I say that the Government by its own conduct shows what they thought was the meaning of the act. They went first to the Judges. They obtained one Judge and had failed with the others. Therighthon. Gentleman at the head of the Government thought

it degrading to hawk about an office for acceptance; but I think it was far more degrading on the part of the Government to defeat the intentions of Parliament, or to suppose, if the Attorney General took office, that the idea of getting on with the public business of the Committee was of more importance than that of keeping faith with Parliament. My hon. Friend behind me (Mr. Goldney) spoke this evening of the dispensing power which was used in granting commissions to persons not qualified. What was that, and how was it used? It was in effect giving qualifications to persons who were really unqualified. It was an excess of power. That evasion of the Constitution was resisted, and the King who resorted to it could not prevail on his Attorney or Solicitor General to defend it. So, likewise, in the present case, we have not as yet heard the Attorney or Solicitor General get up to defend the appointment of Sir Robert Collier. It was said that James might find Judges to support him, but they would not be lawyers, and I cannot help remarking that very few of them have, as yet, been found to take part with the Government in this transaction, which, I think, is as much an unconstitutional proceeding as was that dispensing power to which my hon. Friend alluded. It is true that the Queen has the power of appointing a Judge; but I deny that the Queen has a moral right to make a man a Judge of the Court of Common Pleas for the mere purpose of placing him on the Judicial Committee. But it is evident that this attempt was a foregone conclusion; it was an appointment *ad hoc*; it was clearly an unconstitutional act, though not so wrong as if it were made for corrupt purposes. Lord Macaulay said, in reference to acts of that description—

"We are taught by long experience that we cannot suffer without great danger any breach of the Constitution to pass unnoticed. It is universally held that a Government which unnecessarily exceeds its powers ought to be visited by a severe Parliamentary censure, and a Government which under great exigency, but with pure intentions, has exceeded its power, ought immediately to apply to Parliament for an indemnity."

That, however, the Government have not done; but, on the contrary, they justify their conduct in the matter. Then we are asked, what motive could the Government have had in this transaction but a good one? Well, people's motives are inscrutable and a riddle, and

I must say I think that that is specially the case with regard to the right hon. Gentleman at the head of the Government. There are cases in which Acts of Parliament have been dealt with—though I do not wish to impute wrong motives—in which I am not so confident of the right hon. Gentleman's intentions and views. There was, for example, the recent case of the appointment to the Ewelme Rectory, in connection with which we have seen that the words "a Master of Arts of Oxford University" have been interpreted to mean "a Master of Arts of Cambridge University." There was also the case of the three Commissioners of the Irish Church, to whom the appeal was to be made from a decision of any one of its members. Yet one of those Commissioners having died, no one has been appointed in his place, and so the only appeal under the statute has been taken away. I will not advert further to the right hon. Gentleman, except to say that there are cases in which statutes have been dispensed with. I do not pretend to find out motives—one man may wish to walk in the straight path, whilst another prefers a labyrinth. Again, while one prefers to make a plain simple statement, another will be found to indulge in all the arts of casuistry. Again, another man sees only one rational interpretation, while he admits that rational minds might interpret the same terms differently. I think we shall hardly find motives on such an occasion as this. It is a perverse act, and no real explanation is offered. It was said that it would be derogatory to great officials to give any explanation in reply to the letter of the Lord Chief Justice. I must here remind the House that the letter of the Lord Chief Justice was written before the appointment to which it referred was accomplished. Why, then, refuse to offer an explanation to the Lord Chief Justice. Yet his potent wand struck the rock and only drew from it a miserable squirt of vinegar, while the pen of a favoured New York reporter drew from it a flood of oil and honey which seemed almost unlimited. I do not know what the Government think of the defence made for them by the hon. and learned Member for Richmond. I can only say that if the hon. and learned Member were my advocate before a jury I should have felt that I had a much worse case than I had supposed could be possible, when a Gen-

tleman of such high forensic power could have made such a miserable affair of it. The hon. and learned Member admitted the indiscretion of the Government; but he said that there had been no actual breach of the law in substance, and then he made another most extraordinary admission, with reference to the clause relating to the appointment of Indian Judges—that if a gentleman were appointed to an Indian Chief Judgeship with a view to his being transferred to the Privy Council, he should have thought it a proceeding for Parliament to censure, but in this instance he did not think so. If the thing is forbidden by Act of Parliament, why is it not as much wrong in reference to England as to India? Why was it not wrong in England to appoint a man to a Judgeship, whom the terms of the former Bill were altered for the purpose of excluding? The hon. and learned Member then went on to say that he would have regarded it as fatal to the case of the Government if Sir Robert Collier had not been fit for the appointment. But what, I should like to know, has his fitness to do with the question? It may be a moral justification in one sense if the Government have not appointed a bad man; but it is no justification in a legal sense that they appointed a good man, if it was contrary to the spirit of the Act of Parliament. If it is contrary to the spirit of the Act of Parliament with reference to Judges in India to appoint persons without the intention of sending them out there for the purpose of being Judges there, it is equally wrong to appoint a man to the Court of Common Pleas, not for the purpose of being a Judge there, but for becoming a paid Member of the Privy Council. When the hon. and learned Member began to distinguish between criticism and censure I thought there was a good deal of pressure on his mind with reference to this transaction, and yet he told us we must not censure the Government. It is somewhat curious, too, that when the right hon. and learned Lord Advocate came to speak he laid great stress on the words "Parliamentary censure," as if he thought that the act of the Government was not altogether free from blame. I say the act of the Government—or must it be regarded rather as the act of two Members of the Government, with which their Colleagues have nothing to do? It does, indeed,

seem rather hard that during the Recess, when the Chancellor of the Exchequer is riding on his bicycle somewhere or other, he should be made responsible for an appointment which two Members of the Government had entirely in their own hands. But the Government as a body adopts the Act, and it is quite right we should deal with them in their collective capacity. " You may criticize the Government as much as you like," says the hon. and learned Member for Richmond, " but do not even seek to visit them with censure." Why not? " Because," he tells us, " the Government acted *bond fide*, and the Lord Chancellor is a most excellent man." With regard to that, I have heard that a noble Lord said " elsewhere " that the Lord Chancellor was of such an excellent character that it was unredeemed by a single vice. I assure the House I am quite willing to admit all these qualities. I will admit that—

" E'en his failings lean to virtue's side ;" but he has his failings, and it is a failing through which he has been induced to invalidate the law of his country, which he was bound to defend more than any other person. He has shown by his own conduct what interpretation he put upon the Act of Parliament by going to the Judges, and he would have continued in that course but for the interposition of the right hon. Gentleman at the head of the Government. We have been told that my right hon. Friend who has gone to the Privy Council is extremely sensitive ; but I do not see any reason he has to feel hurt at what has been said. There has been no attack upon his character, and there has been no attempt to impugn either his intellect or his morality. I believe he has deservedly obtained a high judicial position ; and, as I before observed, I only wish that he had gone up to it through a straighter path, instead of having offered himself up a victim for the repose in which he now finds himself. I do feel that there is nothing in this country so important, not in the legal or technical sense, but in the higher view, as that the Government should keep faith with Parliament. This is not a technical question of the mere construction of an Act of Parliament, but of the intention of the Act itself, and the Government were bound to carry it out in the spirit in which they introduced and passed it.

Mr. Gathorne Hardy

They were bound to carry out its provisions with a chastity of honour that could not be found fault with. Can they believe that it is a question they have dealt with fairly, when they find that not by one person on one side of the House only, or by one section of the Press, but that there is an unanimous outspoken cry, to the effect that they had wilfully violated a law which they themselves had passed. It is not because we want to displace or injure the Government, but that we should protect the law that we take this course. If we do not protect the law it will be recorded for a precedent, and many an error by the same example will rush into the State ; and some time or other the acts done on the authority of these men of high character may be put forth by bad men in defence of worse cases of corruption. It is a dangerous thing for two such men to lend their nobility and their power in an unjust behalf ; and I call upon the House to interpose, and condemn this act, by saying that it is a proceeding which they will not justify. It has not been justified by the hon. and learned Member for Richmond—and I call your attention to the fact that he has never endeavoured to deal with the last part of my hon. Friend's (Mr. Cross's) Motion—because he felt that he could not honestly deny that the appointment has been of " evil example in the administration of judicial patronage."

MR. GLADSTONE : Sir, this question has now had a history of between three and four months, and it reminds me very much of what occurred in Ireland a considerable time back, when the Government of George I. introduced into Ireland a new copper coinage, under circumstances in some respects questionable and discreditable. Dean Swift took advantage of these circumstances, and made use of his unrivalled powers through the Press to discredit the coinage, and by a system of sarcasm, reasoning, invective, and even misrepresentation, wrought up the popular mind to a sense of indignation amounting almost to a state of fury. He pointed out to his countrymen among other things, as we are told in the " Drapier Letters," that 36 of Wood's halfpence were only equal to six legitimate pence. He wrote letter after letter, and got full possession of the field. After three of these letters had appeared Sir Isaac Newton, who

was at that time Master of the Mint, issued a report on the character and quality of the coinage, and gave both a description of the metal and the weight of the coins which had been sent to Ireland. But it was too late, the public mind was possessed by the witchery of the extraordinary productions of Swift, and the bare, dry, prosaic facts even of such a man as Sir Isaac Newton were totally inadequate to the purpose of undeceiving the people. We have heard a Sir Isaac Newton to-night. We have heard to-night a man who, if it may be said of any man, will be admitted to stand at the head of the noble profession to which he belongs, in whose integrity and judgment everyone places confidence, and he has told us something of the true character of the transaction which we are engaged in debating. The appeal, I am glad to say, lies not to an uneducated or excited populace, but to the British House of Commons assembled for a judicial purpose. The Motion which has been brought forward by the hon. Member for South-west Lancashire (Mr. Cross) is a Motion strictly penal. I appeal to the House, I appeal to him, I appeal to the right hon. Gentleman who has just spoken (Mr. G. Hardy) whether this is not a judicial question, and whether it is desirable that it should have imported into it topics which are perfectly irrelevant? Therefore, my first duty is respectfully, but firmly, to put aside those allusions and misrepresentations which the right hon. Gentleman has introduced into the discussion on this judicial question. What, I should like to know, has the living of Ewelme to do with the conduct of the Government in this matter? What fair and just title have you, on a grave issue raised to determine whether the Government have, or have not, violated the spirit of an Act of Parliament, to prejudice the case against them by throwing into the discussion assertions of your own opinions with respect to other matters which it is absolutely impossible for us on this occasion to explain? With regard to the living of Ewelme, I will only say this—that I think the right hon. Gentleman and those who act with him would be acting more fairly, if they believe an Act of Parliament has been violated in that case, if they would make it the subject of a Parliamentary discussion. Should they do so, I will tell out

to the House of Commons every syllable as to what I have had to do or say on the subject, and I am confident the House of Commons will determine that my conduct in reference to that living deserves, not censure, but approval. But I claim nothing on that point for myself or my right hon. Friend the Secretary of State for the Home Department, to whom also another of those irrelevant references has been made, except this—that we do not ask you to adopt our opinions. All that we ask of you is to reserve your judgments, and not to allow the question of the construction of an Act of Parliament now under your consideration to be prejudiced by the introduction of matters having nothing whatsoever to do with it. Allow me to add that it is not my fault if I give any offence in the course of the explanations and defence which I am about to make, and if in the position in which I stand I tax the patience of hon. Gentlemen opposite, I will at least endeavour not to try their tempers. I find no fault with hon. Members opposite, or those on this side of the House, who have joined in this proposal to pass a Vote of Censure on the Government. The temptation was, perhaps, too great, and in saying that I do not mean to imply anything disrespectful. They found the Chief Justice of England—the Chief Justice of the Queen's Bench—[An hon. MEMBER: Chief Justice of England]—you know who I mean—had written a letter. It was, therefore, a great deal too much to expect that the bias communicated to the minds of a party in Parliament should not have become irresistible when they found themselves fortified by the authority of the chief of the Common Law Judges, who declared that he had been drawn forth from his retirement by a sense of public duty, as he believed—I do not for a moment doubt him—for the purpose of denouncing the conduct of the Government; and, after having censured the act of the Government in terms of the greatest severity, he used these remarkable words—"Such, I can take upon myself to say, is the unanimous opinion of the profession." I could not, and I cannot, admit the title of the Lord Chief Justice to interfere in this matter by a letter of such a character as he addressed to me. From a New York reporter—aye, and from

anywhere else, and at all times—I am glad to receive friendly expostulations. The necessities of my office place me in constant correspondence with the whole of Her Majesty's subjects; and there is no day that it is not my duty to answer letters from persons less distinguished and less important than representatives of the great American journals. But that is a very small duty, and I regret that I could not offer explanations to the Lord Chief Justice, whose title to address me in that letter I could not admit; a letter couched in language so final, decisive, and unalterable, that he found it necessary to repeat his words five times over, embodying what the sense of his judicial duty had wrung from him, but which from that single facility of repetition appeared to me to lose some of their judicial weight. Of the publication of that letter I do not complain; because, from the moment it reached me, I confess it appeared to be of such a character that, as they say money will sometimes burn a hole in the pocket, so that document would actually gnaw a hole in any writing desk into which it might have been put by the writer to be kept secret. I regret such a course has been taken as renders it necessary for me to accuse my accuser; but I am here to deal with this matter as best I can. I admit him to be a critic, and give him credit for the motive he alleges, and I feel the weight of the blast that has been poured over us, because I cannot wonder or feel surprised that others are ready to adopt the construction of the Act which the Lord Chief Justice has unmistakeably declared to be indisputable. As the Government is on their trial, I think it is desirable there should be no ambiguity in the indictment, and therefore let us see what is the Motion we are called on to discuss. I find no ambiguity in the letter of the Lord Chief Justice, nor in the speech of Lord Derby which he delivered in Lancashire; but I regret the hon. Mover of the Motion (Mr. Cross) has not been able to speak out in that plain and bold language which other critics have adopted during the last three months, for the hon. Gentleman has used terms which have placed us in considerable difficulty, and his speech has not solved the riddle. The hon. Gentleman, speaking with as much moderation as the case would admit, described the act of the Lord

Chancellor as an act of indiscretion and a grave error of judgment. Now, is it a mistake we are dealing with, or is it a crime? If the Lord Chancellor misconstrued an Act of Parliament, which is temporary in its operation and limited to a particular contingency, I hold I do not understand why it should have been made the subject of a Motion aiming at the existence of a Government and involving a great deal more. But I cannot flatter myself that this is the limited construction to be put upon the Motion, because the hon. Gentleman in another part of his speech did not interpret it so moderately. He said it was not for the Government to set aside the known and perfectly understood meaning of the Act. And my hon. and learned Friend the Member for Tiverton (Mr. Denman) said we had acted in a manner contrary to what we knew to be the intention of the House. I will only now speak of what I think to be the value of my hon. and learned Friend's attempt to prove that intention. He says we acted contrary to what we know to be the intention of the House. That is an extremely grave charge, and yet that is not the gravest we have heard to-night; for we are charged with the violation, with the evasion, and with the straining of an Act of Parliament. All these things mean one and the same thing; not a mistake but a crime; they mean wilful misconduct, that we did not attach to Acts of Parliament the authority and sacredness which we should give them. [Opposition cheers.] That is the true character, I believe, of the charge that is made against us, and my construction of it is confirmed by the cheers my words receive from unaccustomed quarters. I at once proceed to assure the hon. Gentleman he never made a greater error than when he assumed there was a disposition on the part of the Government to deal lightly with the subject. Deal lightly with such a subject as this! Deal lightly with the sacred authority of an Act of Parliament over Ministers who are set to govern the country! What I stated on the first night of the Session I repeat—that, in my opinion, I know of no graver offence, short of treason or base pecuniary corruption, that can be charged against a Government that has collective responsibilities to perform, than that now made against us; and we could do no other than accept it as a question upon which our

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existence is at stake. And, therefore, if it is of such a character in relation to the Government at large, every one must feel that it is of a much graver character in respect of an individual who does not positively merge his personal responsibilities in the general responsibility of the Government. If I have been guilty of wilfully advising my Sovereign to appoint Sir Robert Collier to the Privy Council, and afterwards to appoint him to one of the paid offices of the Judicial Committee, in violation of what I knew to be the spirit and the intention of an Act of Parliament, I will ask the House whether such a man is worthy to sit within these walls? A man so blasted by the sense of the House ought to be expelled from its walls by the sentence of the House; and if he were not so expelled, he ought himself to decline to be a Member of it. That is my opinion of the gravity of the charge which has been so often repeated, and which while being repeated is pervaded by a double tissue of error, as it were—first, with regard to the question of violation of the Act of Parliament; and, then, with regard to the assertion that we regard it as a light matter. And now, Sir, with regard to the question whether we are indeed guilty of this grave and, in a political sense we might well put it, this capital offence. Let us for a moment consider what admission has been made, and see how it will narrow the controversy. In the first place, it is admitted that the statute has been obeyed; and, secondly, it has been admitted that a competent Judge has been appointed. Not only is it admitted that a fit man has been appointed, but something more than a fit man. What are the presumptive rights of an Attorney General? It is not necessary for me to dwell upon the merits of Sir Robert Collier. As Attorney General they are well known. For six years he has performed the duty of Law Officer of the Crown, and during that time he has dealt with many important points of controversy and serious cases of International Law. What are the presumptive rights of his office? He has a presumptive right to be appointed to the office of Lord Chief Baron; and he is perfectly eligible—subject to the discretion of the Government—to fill the office of Lord Chief Justice, the Lord Chief Justice of the Common Pleas, to hold the office of Lord Keeper, and

he might even have looked to the office of Lord Chancellor, as that to which he might, as Attorney General, be advanced without any intermediate stage of probation; and, therefore, it is not unfair to say we have appointed a man who presumably must be regarded as having something more to recommend him than mere fitness for the office to which he has been advanced. Recollect that after all this office, although in a Court of Appeal, where it is imagined to be in a position of superiority as to Westminster Hall, is really not in a Court of Appeal from Westminster Hall at all, but is in a Court of Appeal from other Courts, and for other purposes altogether. Well, the Attorney General is admitted, on all hands, to be fit to be a Judge; nor is that all—he is admitted to be fit to preside over Judges—for that he does when made Chief Justice; but, on becoming a Chief Justice, he may, by usage, be sworn in as a Privy Councillor; and, on becoming a Privy Councillor, he may be put on the Judicial Committee. But is the House aware of what the practice has been for a great length of time, with regard to the promotion of Attorney Generals? Since the Revolution we have had, I think, 54 Attorney Generals; and out of that number, deducting those who died and those who retired, more than one-half have been promoted at once either to the office of Lord Chancellor, or of Lord Keeper, or of Lord Chief Justice of the Court of Queen's Bench, or of Chief Baron of the Court of Exchequer, or of Chief Justice of the Court of Common Pleas. That is the elevation of the promotion to which in practice the Attorney General of this country has been able to look. He has been regarded as a person invested with much more than the qualities necessary to make a Judge in Westminster Hall; and, as hon. Gentlemen know well, to offer a Puisne Judgeship to an Attorney General who has discharged his duties creditably for a space of time, instead of being what it would be to other men—namely, an honour—would be to him a slight, and the offer would be resented. Therefore, I may claim it as an indisputable proposition that we appointed not simply a man fitted for this office, but one recognized as presumptively fitted for a still higher office. I will also state a matter which will, I think, hardly be denied,

were fit to be placed upon the Bench at Westminster Hall. The hon. Member for South-west Lancashire (Mr. Cross) says that unless we adopt his view we shall reduce the Act to a nullity; but is there then no aggregate of qualifications supposed to characterize the persons appointed as Judges in Westminster Hall, and is it reducing the Act to a nullity to take care that the persons appointed under it shall be fit and proper persons to hold the office it creates? The hon. Member alleges that it was not status that Parliament had in view, but judicial experience exclusively, and I think I have shown you that his theory is erroneous. In fact, it has been argued that the Lord Chancellor and I have condemned ourselves because we set about looking for judicial experience, and it was only when we found that we could not obtain it that we resorted to a strange interpretation of the Act. Sir, I will give a simple explanation of that circumstance. The Act points out that the persons shall be Judges, thereby indicating that they should be persons of a certain status; but though by that indication Parliament expressed part of the duty of the Government, it did not express its whole duty. Its whole duty is to review the whole number of persons who possess that status, and to select from them the best. For that reason we gave judicial experience the first place, and so afterwards turned to Sir Robert Collier, because we also found in him elements of fitness altogether superior to mere status. Now, let me further observe that there are many modes by which the hon. Gentleman ought to have been able to support this Motion if his doctrine be a sound one. He ought to have been able to show that we had impeded the attainment of the purpose of the Act by failing to provide for the discharge of the duties it imposes by thoroughly competent persons, or by failing to relieve that dead-lock of business which had been complained of. He did make one attempt to do that—and I think he knows how entirely it failed—when he said that it was the intention of the Act to place the Judges on all fours with the other Judges in the Court of Appeal. But the other Judges did not all obtain their positions in the Court of Appeal on account of their possessing judicial experience; on the contrary, many of them got there *per-*

saltum, possessing no judicial experience whatever, and therefore I claim that argument of the hon. Member as being conclusive against himself with regard to this Motion. But why does not the hon. Member refer to the language of the Act in support of the Motion? Because he cannot find ground for the sole of his foot to stand upon in the language of the Act. If Parliament intended that judicial experience should be a qualification for the holding of this appointment, why was not the statute worded so as to support that view? What difficulty lay in the way? Are there not twenty ways of doing it? Why did not the Act direct that the appointment should be made from among the then Judges, or from among those who should have been Judges for a certain number of years—for such qualifications are familiar enough in our Acts of Parliament—or from among those Judges who have shown their fitness for the office? We have heard to-night reference made to the opinions of Lord Brougham; but I trust that the House will allow me to read another warning uttered by that noble Lord upon this method of construing statutes. Lord Brougham says—

"We cannot feel any doubt when the question arises as to the meaning of the words used; we may look at the spirit as well as at the letter of the enactment. But here, in order to uphold the decision, we are called upon to go a great deal further, and to look at the presumed intention of the Legislature. Because the Legislature has confined itself to one specific mode of accomplishing its purpose of carrying into effect the intention with which it made the enactment, we are therefore to add enactments which the Legislature never made, provisions beyond what the Legislature has made, for the purpose of completing that which it left incomplete, for the purpose of supplying what it left defective. I am not at all prepared to adopt any such general principle of construction."

That is the opinion of Lord Brougham upon this subject. Well, Sir, in that case I say the burden of proof lies entirely upon the hon. Member who has brought forward the Motion, and I am bound to say that he has entirely failed in giving us such proof as is necessary to enable him to maintain the charge he has brought against us. The hon. Member is bound to prove his case strictly—it is not enough for him to give just enough as will enable him to set up a tenable construction of the Act, or a tenable theory of his own. I have shown

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that the construction which we put upon the statute is a reasonable one, and the hon. Member has failed in showing that it is unreasonable. Are we to be misled by false analogies? It has been asked—"Would it have been allowable had you sent out the Attorney General, or any other person, to India, or appointed him Chief Justice of India without sending him out, and then as such have appointed him to the Privy Council?" My hon. and learned Friend (Sir Roundell Palmer) very truly said that for such a course we should have deserved the censure of Parliament? But is there the slightest analogy between the two cases? Can anyone doubt as to why an Indian Chief Justice is named in the Act? If you merely wanted a larger number of Judges to select from you would not go to India, but to the Irish and Scotch Judges; but you require special knowledge of Indian law and judicature, and had we appointed a man who had that knowledge, we should not have appointed an unfit man. The English Members are appointed with regard to home practice alone, and the Attorney General has this element of superiority over English Judges—that he is more widely conversant with different kinds of law by the course of his practice as Attorney General. My hon. and learned Friend the Member for Denbigh (Mr. W. Williams), though he is going to vote against us, thinks judicial experience is not the thing required, thus being at variance with the hon. Member for South-west Lancashire. What was required, he says, was that the Government should have had large opportunities of testing the qualities and capacities of the men. If that is the case, I want to know with respect to whom have the Government such large opportunities of testing qualities and capacities as with respect to their own Law Officers, especially the Attorney General. He, as has been pointed out in certain cases, discharges many duties properly judicial, and the Attorney and Solicitor General are constantly trained in varied questions which come to them as the Advisers of the Government Departments, being called upon to lay aside the character of the mere advocate, endeavouring to convince a jury or obtain a verdict, and to give the Government advice founded upon knowledge and consideration of all the circumstances and aspects of the

case, so that Government may proceed securely not only in dealings with Her Majesty's subjects, but even with colonies, dependencies, and foreign Powers. The right hon. Gentleman opposite (Mr. G. Hardy) asked what would be thought of a colonel of Engineers being created in this way, in order to give him a status to occupy some particular appointment. Probably he has never heard of the Duke of Wellington's opinion on the subject. Sir Charles Napier wished to have Colonel Pitt-Kennedy as the Chief of his Staff in Indis, and I believe made it a condition of his accepting the appointment. Colonel Pitt-Kennedy had left the Army, and could not, consistently with the regulations of the Army, hold the office unless he had the rank of a colonel in the Army. What did the Duke of Wellington do? He created him ensign, and passed him in a few weeks or days through various stages till he made him colonel, because he knew him to be qualified. That, I think, is a pretty fair parallel, and a complete answer to the right hon. Gentleman's case. I am about, however, to admit that we failed in one important particular—that of foresight. However we may be censured for it, we had not the smallest conception of the differences of opinion that this proceeding has given rise to, and the difficulties it has caused. That is a frank confession. We did not foresee the storm which would be raised. I will go further. I think that if we had foreseen it we should have been very foolish to have evoked it. Who in his senses would do such a thing? I am sure Sir Robert Collier would not. He was much too strong in the consciousness of his public services, and the strength of his substantial titles to approval and reward, to be in any undue hurry about obtaining a place of rest. It would, moreover, have been most unwise on our parts had we formed a conception even of what seem to us the extraordinary views fastened upon the Act of Parliament by a purely extraneous and wholly arbitrary process. Having made that frank avowal, I think I may ask an answer, as a concession in return, to the question—Was there ever a Vote of Censure passed upon a Government—a sentence of capital punishment—that hung upon so slender a thread? It is admitted that the statute has been obeyed, and that the public

interest has not been injured. It has been explained that there were considerable difficulties. It has been shown that the Attorney General as such was entitled by usage to a higher office and reward than that which he has occupied. Under such circumstances, was it ever known that a Government was threatened as we are threatened upon this occasion, for I trust it has been most fully shown that we are in no way indifferent to the obligations imposed by Acts of Parliament? I have not treated this as a party measure on the part of hon. Gentlemen opposite, for I have admitted that it was impossible to expect, under such circumstances, and with such authority to back them, that they should not be led into a path where we venture to think they have been misled. But let me say a few more words on the general aspect of the subject. Nothing is more dangerous, especially to a popular tribunal, than this practice of assuming conclusions calculated to condemn any man, or a body of men, upon what is called the spirit of Acts of Parliament, upon what you cannot support by well-understood principles of legal construction, and upon what you attach as an appendix to Acts of Parliament, in order to meet your own views and opinions. Justice ceases to have certainty when these processes are adopted, and injustice can always find a cover when rules so lax are made to guide the conduct of Parliament. Strafford was condemned by a process now regarded as ever to be abhorred and shunned, because, though no particular acts of his amounted to high treason, it was held that according to the spirit of the law they were treasonable. We do not deal with men for treason now; we do not fly at such lofty game; but I have sometimes seen, with regard to theological differences, where passion has freest scope, that where men had propounded unpopular opinions, where it was found very difficult to convict them upon particular propositions, authorities, or bodies have been ready to say "the spirit of the book is worthy of the strongest condemnation." I trust this House, whatever party may sway its proceedings, will never be drawn aside from the straight road of justice into those slippery paths. My hon. and learned Friend thinks we intended well, but have been led in a moment of weakness into unwise means.

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That is just what we think of him. I know the goodness of the end he has in view, the sincerity with which he spoke, and with the almost idolatry he feels for the judicial Bench, he reasons with a fervour and depth which really bias the judicial truth and purity of his mind, leading him to use arguments which he would not have used, had not his feelings been so deeply involved. But it is not the consequences to the Government that I consider. I have never supposed that the welfare of the country was bound up with the continued existence of any Government, still less should I presume to say so of the Government with which I am specially connected. That is comparatively a small matter; and if there are Gentlemen who think that these are difficult times, and that it is desirable to avoid the political disturbance of a crisis, even in the mild and limited sense we attach to such terms—I do not press that, it is for them to consider whether they will support the Motion. I urge very much higher grounds—grounds that there are principles of construction which ought to be adopted for the security of all interpretations of law, and that—as my hon. and learned Friend the Member for Richmond has pointed out—if Parliament indulges in making into law those notions which hang about and attach to laws in the minds of particular men, they do something of more evil example to the conduct of the Government of this great country than could arise from this appointment, if it was as objectionable as you suppose it to be. One word on the effect of the Motion upon Sir Robert Collier. I wonder how many hon. Gentlemen opposite have weighed this. They are going to vote for this Motion, of course wishing it to be carried. Suppose it carried, what is the position of Sir Robert Collier to-morrow? It has been suggested that he would be exactly in the same position as now. If any hon. Gentleman holds that opinion he holds it in common with very few. My hon. and learned Friend, however, contemplates his possible resignation. I know nothing of that; but I think Sir Robert Collier would feel that a shade rested upon his judicial fame, and that it possibly might become the end of his judicial career. It is impossible, speaking plainly, to exempt the man who was a Member of the Government when this Act was

passed—who was the Member of the Government responsible in this House for explaining its character. But this is not an appeal on behalf of Sir Robert Collier personally. It is an appeal upon a broader ground. What do you intend to be the relation between the Legislature in time to come and the Judges of the land? At present you are strictly restrained from interference except in one most solemn and formal manner. You are not to tamper with the question whether the Judges are on this or that particular assailable. You are not to inflict upon them a minor punishment. You have never thought it wise to give opinions in criticism or in reprobation of their conduct when they have casually gone astray. Once in my life—I will not say to which portion of the dominions of Her Majesty I refer—it has so happened to me as a Member of the Executive Government to be called upon to consider the conduct of a Judge who had most rashly and culpably reflected upon the proceedings of a Legislature, and had undoubtedly exposed himself to our severe reproof. But what view did we afterwards take of the matter? We came to the conclusion that, as the act was not an act with respect to which it would be right to ask Parliament to address the Crown for his removal, it was not an act of which hostile notice should be taken at all. Are you prepared to say that you will venture upon breaking down that fence which by your own wisdom—it is not by any external power—prevents you from intermeddling with the character of the Judges by means of Votes which, if I may say so, dare not aim at their removal, but which, at the same time, have a certain tendency to lower their character and to impair their credit and authority? I must say, I, for one, should be much surprised if the House of Commons were to pass a Vote with such a tendency as this. The House of Lords—I hope I may say so without the slightest breach of their Orders and great authority—have set us an example of wisdom. That House, in which the party opposite counts a majority of 80—[An hon. MEMBER: 70]—70, if you like—has declined to pass even by a single voice judgment against this appointment, and therefore against the Government; and I, for one, am well convinced the House of Commons will refuse to fall into the snare.

LORD ELCHO said, he was surprised at the right hon. Gentleman at the head of the Government introducing the name of Sir Robert Collier in connection with that subject, and he trusted that no fear as to what might happen to that right hon. and learned Gentleman would influence the mind of any hon. Gentleman present in coming to a decision upon the merits of the case before them. Whatever that decision might be, and the aggregate result of the division which must ensue upon it, he could by no means accept it as conveying a true judgment on the case, as it was well known there was great reluctance to bring about a change of Government just at the present. Having listened to the defence of the right hon. Gentleman, he was bound to say that, as in the case of that Rectory which had been referred to, this was not the first explanation he had heard from him that was unsatisfactory, and no explanation had left the House more in the dark with reference to the motives which had led to the course of action than that just offered.

Question put.

The House divided:—Ayes 241; Noses 268: Majority 27.

Words added.

Main Question, as amended, put, and agreed to.

Resolved. That this House finds no just cause for a Parliamentary censure on the conduct of the Government in the recent appointments of Sir Robert Porrett Collier to a Judgeship of the Common Pleas, and to the Judicial Committee of the Privy Council.

AYES.

| | |
|---------------------------|--------------------------|
| Adderley, rt. hon. Sir C. | Bentinck, G. C. |
| Amphlett, R. P. | Benyon, R. |
| Arbuthnot, Major G. | Beresford, Lt.-Col. M. |
| Arkwright, A. P. | Bingham, Lord |
| Arkwright, R. | Birley, H. |
| Assheton, R. | Booth, Sir R. G. |
| Baggallay, Sir R. | Bourne, Colonel |
| Bagge, Sir W. | Bouverie, rt. hon. E. P. |
| Bailey, Sir J. R. | Bright, R. |
| Barnett, H. | Brise, Colonel R. |
| Harrington, Viscount | Broadley, W. H. H. |
| Barttelot, Colonel | Brooks, W. C. |
| Bates, E. | Bruce, Sir H. H. |
| Bateson, Sir T. | Bruen, H. |
| Bathurst, A. A. | Buckley, Sir E. |
| Beach, Sir M. Hicks- | Burrell, Sir P. |
| Beach, W. W. B. | Buxton, Sir R. J. |

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| Cameron, D. | Hardy, J. S. | North, Colonel | Steere, L. |
| Cartwright, F. | Hay, Sir J. C. D. | Northcote, rt. hn. Sir S. H. | Straight, D. |
| Cave, rt. hon. S. | Henley, rt. hon. J. W. | O'Neill, hon. E. | Sturt, H. G. |
| Cawley, C. E. | Henry, J. S. | Paget, R. H. | Sykes, C. |
| Cecil, Lord E. H. B. G. | Hherbert, rt. hon. Gen. Sir P. | Pakington, rt. hn. Sir J. | Talbot, J. G. |
| Chambers, M. | Hermon, E. | Parker, Lt.-Colonel W. | Taylor, rt. hon. Col. |
| Chaplin, H. | Hervey, Lord A. H. C. | Patten, rt. hon. Col. W. | Thynne, Lord H. F. |
| Charley, W. T. | Hesketh, Sir T. G. | Peek, H. W. | Tollemache, Major W. F. |
| Child, Sir S. | Hildyard, T. B. T. | Peel, rt. hon. Sir R. | Tomline, G. |
| Clive, Col. hon. G. W. | Hill, A. S. | Poll, A. | Trevor, Lord A. E. Hill. |
| Clowes, S. W. | Hoare, P. M. | Pemberton, E. L. | Turner, C. |
| Cochrane, A. D. W. R. B. | Hodgson, W. N. | Percy, Earl | Turnor, E. |
| Cole, Col. hon. H. A. | Hogg, J. M. | Phipps, C. P. | Vane, J. |
| Collins, T. | Holford, J. P. G. | Plunket, hon. D. R. | Walker, Major G. G. |
| Corbett, Colonel | Holford, R. S. | Powell, P. S. | Walpole, rt. hon. S. H. |
| Corrancé, F. S. | Holmedale, Viscount | Powell, W. | Walsh, hon. A. |
| Corry, rt. hon. H. T. L. | Holt, J. M. | Raike, H. C. | Waterhouse, S. |
| Crichton, Viscount | Hood, Capt. hon. A. W. A. N. | Read, C. S. | Watney, J. |
| Croft, Sir H. G. D. | Hope, A. J. B. B. | Ridley, M. W. | Welby, W. E. |
| Cubitt, G. | Hornby, E. K. | Round, J. | Wethered, T. O. |
| Dalrymple, C. | Hunt, rt. hon. G. W. | Royston, Viscount | Wharton, J. L. |
| Damer, Capt. Dawson- | Hutton, J. | Sackville, S. G. Stopford- | Wheelhouse, W. S. J. |
| Daveport, W. Bromley- | Jackson, R. W. | Salt, T. | Williams, O. H. |
| Dawson, Colonel R. P. | Jenkinson, Sir G. S. | Sclater-Booth, G. | Williams, Sir F. M. |
| Denison, C. B. | Jervis, Colonel | Scott, Lord H. J. M. D. | Williams, W. |
| Denman, hon. G. | Johnston, W. | Selwin - Ibbetson, Sir H. J. | Winn, R. |
| Dickson, Major A. G. | Jones, J. | Shirley, S. E. | Wise, H. C. |
| Dimsdale, R. | Kavanagh, A. MacM. | Simonds, W. B. | Wyndham, hon. P. |
| Dieraeli, rt. hon. B. | Kekewich, S. T. | Smith, A. | Wynn, C. W. W. |
| Dowdeswell, W. E. | Kennaway, J. H. | Smith, R. | Wynn, Sir W. W. |
| Du Pre, C. G. | Keown, W. | Smith, S. G. | Yarmouth, Earl of |
| Dyke, W. H. | Knightley, Sir R. | Smith, W. H. | |
| Dyott, Colonel R. | Knox, hon. Colonel S. | Somerset, Lord H. R. C. | TELLERS. |
| Eastwick, E. B. | Lagoon, Sir E. H. K. | Stanley, hon. F. | Cross, A. |
| Eaton, H. W. | Laird, J. | | Goldey, G. |
| Egerton, hon. A. F. | Langton, W. G. | | |
| Egerton, Sir P. G. | Laslett, W. | | |
| Egerton, hon. W. | Learmont, A. | | |
| Elcho, Lord | Legh, W. J. | | |
| Elliot, G. | Lennox, Lord G. G. | | |
| Elphinstone, Sir J. D. H. | Lennox, Lord H. G. | | |
| Ewing, A. O. | Leslie, J. | | |
| Fawcett, H. | Liddell, hon. H. G. | | |
| Felden, H. M. | Lindsay, Colonel R. L. | | |
| Fellowes, E. | Lopes, H. C. | | |
| Fielden, J. | Lowther, Colonel | | |
| Figgins, J. | Lowther, J. | | |
| Finch, G. H. | Lowther, W. | | |
| Fitzwilliam, hn. C. W. W. | Mahon, Viscount | | |
| Forde, Colonel | Malcolm, J. W. | | |
| Forester, rt. hon. Gen. | Manners, rt. hn. Lord J. | | |
| Fowler, R. N. | Manners, Lord G. J. | | |
| Gilpin, Colonel | March, Earl of | | |
| Gooch, Sir D. | Matthews, H. | | |
| Gordon, E. S. | Mellor, T. W. | | |
| Gore, J. R. O. | Meyrick, T. | | |
| Gore, W. R. O. | Miles, hon. G. W. | | |
| Graves, S. R. | Mills, C. H. | | |
| Gray, Lieut.-Colonel | Mitford, W. T. | | |
| Greaves, E. | Monckton, F. | | |
| Greene, E. | Montagu, rt. hn. Lord R. | | |
| Gregory, G. B. | Montgomery, Sir G. G. | | |
| Guest, A. E. | Morgan, C. O. | | |
| Guest, M. J. | Morgan, hon. Major | | |
| Haubro, C. | Mowbray, rt. hon. J. R. | | |
| Hamilton, Lord C. | Neville-Grenville, R. | | |
| Hamilton, Lord C. J. | Newdegate, C. N. | | |
| Hamilton, Lord G. | Newport, Viscount | | |
| Hamilton, Marquess of | Newry, Viscount | | |
| Hamilton, I. T. | Noel, hon. G. J. | | |
| Hardy, rt. hon. G. | | | |
| Hardy, J. | | | |

NOES.

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|-------------------------|-----------------------------------|
| Acland, Sir T. D. | Brocklehurst, W. C. |
| Amcotts, Colonel W. C. | Brodgen, A. |
| Atmory, J. H. | Browne, G. E. |
| Anderson, G. | Bruce, Lord C. |
| Anstruther, Sir R. | Bruce, rt. hon. Lord E. |
| Antrobus, Sir E. | Bruce, rt. hon. H. A. |
| Armitstead, G. | Bryan, G. L. |
| Ayrton, rt. hon. A. S. | Buckley, N. |
| Baakhouse, E. | Buller, Sir E. M. |
| Bagwell, J. | Campbell, H. |
| Baker, R. B. W. | Candlish, J. |
| Barclay, A. C. | Cardwell, rt. hon. E. |
| Barry, A. H. S. | Carington, hon. Cap. W. |
| Bass, A. | Carnegie, hon. C. |
| Baxter, W. E. | Carter, Mr. Alderman |
| Barley, Sir T. | Cartwright, W. C. |
| Beaumont, Captain F. | Cavendish, Lord F. C. |
| Beaumont, H. F. | Cavendish, Lord G. |
| Beaumont, S. A. | Chadwick, D. |
| Bentall, E. H. | Chambers, T. |
| Biddulph, M. | Childers, rt. hn. H. C. E. |
| Blennerhassett, Sir R. | Cholmeley, Captain |
| Bolekow, H. W. F. | Cholmeley, Sir M. |
| Bonham-Carter, J. | Clay, J. |
| Bowmont, Marquess of | Clifford, G. C. |
| Bowring, E. A. | Celebrooke, Sir T. E. |
| Brady, J. | Coleridge, Sir J. D. |
| Brand, H. R. | Colman, J. J. |
| Brassey, H. A. | Corrigan, Sir D. |
| Browne, Dr. | Cowper, hon. H. F. |
| Bright, J. (Manchester) | Cowper - Temple, right hon. W. |
| Brinckman, Captain | Craufurd, E. H. J. |
| Bristowe, S. B. | Crawford, R. W. |

| | | | |
|---------------------------|---------------------------|--------------------------|----------------------------|
| Dalglieb, R. | Howard, hon. C. W. G. | Platt, J. | Stapleton, J. |
| Dalrymple, D. | Howard, J. | Playfair, L. | Stepney, Sir J. |
| Dalway, M. R. | Hughes, T. | Plimsoll, S. | Stevenson, J. C. |
| D'Arcy, M. P. | Hughes, W. B. | Potter, E. | Stone, W. H. |
| Davies, R. | Hurst, R. H. | Potter, T. B. | Storks, rt. hon. Sir H. K. |
| Delahunty, J. | Hutt, rt. hon. Sir W. | Power, J. T. | Strutt, hon. H. |
| Dent, J. D. | Illingworth, A. | Price, W. E. | Stuart, Colonel |
| Dickinson, S. S. | James, H. | Rathbone, W. | Sykes, Colonel W. H. |
| Digby, K. T. | Jardine, R. | Reed, C. | Synan, E. J. |
| Dixon, G. | Jessel, Sir G. | Richard, H. | Tollemache, hon. F. J. |
| Dodds, J. | Johnston, A. | Richards, E. M. | Torrens, R. R. |
| Dowse, R. | Johnstone, Sir H. | Robertson, D. | Tracy, hon. C. R. D. |
| Duff, M. E. G. | Kay-Shuttleworth, U. J. | Roden, W. S. | Hanbury- |
| Duff, R. W. | Kensington, Lord | Rothschild, Brn. L.N. de | Trottelyan, G. O. |
| Dundas, F. | King, hon. P. J. L. | Rothschild, Brn. M.A. de | Verney, Sir H. |
| Edwards, H. | Kingscote, Colonel | Russell, A. | Villiers, rt. hon. C. P. |
| Egerton, Capt. hon. F. | Kinnaird, hon. A. F. | Russell, H. | Vivian, H. H. |
| Ellis, E. | Knatchbull - Hugessen, | Rylands, P. | Waters, G. |
| Enfield, Viscount | E. H. | St. Aubyn, J. | Wedderburn, Sir D. |
| Ennis, J. J. | Lancaster, J. | St. Lawrence, Viscount | Wells, W. |
| Erskine, Admiral J. E. | Lawrence, Sir J. C. | Salomons, Sir D. | Whitbread, S. |
| Esmonde, Sir J. | Lawrence, W. | Samuelson, B. | White, J. |
| Ewing, H. E. Crum- | Lawson, Sir W. | Samuelson, H. B. | Williamson, Sir H. |
| Eykyn, R. | Lea, T. | Sartoris, E. J. | Wingfield, Sir C. |
| Finnie, W. | Leatham, E. A. | Seely, C. (Lincoln) | Winterbotham, H. S. P. |
| FitzGerald, right hon. | Leeman, G. | Seely, C. (Nottingham) | Woods, H. |
| Lord O. A. | Leofre, G. J. S. | Shaw, R. | Young, A. W. |
| Fletcher, I. | Lewis, H. | Sheridan, H. B. | Young, G. |
| Fordyce, W. D. | Locke, J. | Sheriff, A. C. | TELLERS. |
| Forster, C. | Lowe, rt. hon. R. | Simon, Mr. Serjeant | Adam, W. P. |
| Forster, rt. hon. W. E. | Lubbock, Sir J. | Smith, J. B. | Glyn, hon. G. G. |
| Foster, W. H. | Lush, Dr. | Staupole, W. | |
| Fortescue, rt. hon. C. P. | Lusk, A. | Stansfeld, rt. hon. J. | |
| Fothergill, R. | Mackintosh, E. W. | | |
| French, rt. hon. Col. | M'Arthur, W. | | |
| Gavin, Major | M'Claire, T. | | |
| Gilpin, C. | M'Combie, W. | | |
| Gladstone, rt. hon. W. E. | M'Lagan, P. | | |
| Gladstone, W. H. | M'Mahon, P. | | |
| Goldsmid, Sir F. | Magniac, C. | | |
| Goldsmid, J. | Maguire, J. F. | | |
| Goschen, rt. hon. G. J. | Maitland, Sir A. C. R. G. | | |
| Gourley, E. T. | Marling, S. S. | | |
| Gower, hon. E. F. L. | Matheson, A. | | |
| Gower, Lord R. | Maxwell, W. H. | | |
| Graham, W. | Melly, G. | | |
| Gray, Sir J. | Merry, J. | | |
| Greville, hon. Capt. | Miali, E. | | |
| Greville - Nugent, hon. | Milibank, F. A. | | |
| G. F. | Miller, J. | | |
| Grey, rt. hon. Sir G. | Mitchell, T. A. | | |
| Grieve, J. J. | Monk, C. J. | | |
| Grosvenor, hon. N. | Morgan, G. Osborne | | |
| Grosvenor, Lord R. | Morley, S. | | |
| Grove, T. F. | Morrison, W. | | |
| Hadfield, G. | Mundella, A. J. | | |
| Hamilton, J. G. C. | Nicholson, W. | | |
| Hammer, Sir J. | Nolan, J. P. | | |
| Hardenastle, J. A. | O'Conor, D. M. | | |
| Harris, J. D. | O'Connor Don, The | | |
| Hartington, Marquess of | O'Donoghue, The | | |
| Hastadlam, rt. hon. T. E. | Ogilvy, Sir J. | | |
| Henley, Lord | Onslow, G. | | |
| Henry, M. | O'Reilly-Dense, M. | | |
| Herbert, H. A. | O'Reilly, M. W. | | |
| Hibbert, J. T. | Palmer, J. H. | | |
| Hoare, Sir H. A. | Palmer, Sir R. | | |
| Hodgkinson, G. | Parker, C. S. | | |
| Houlston, K. D. | Parry, L. Jones- | | |
| Holland, S. | Peel, A. W. | | |
| Holmes, J. | Pelham, Lord | | |
| Hoskyns, C. Wren- | Philips, R. N. | | |

LAW OF RATING (IRELAND).

Select Committee appointed, "to inquire into the operation of the Law relating to the area of Rating in Ireland, and to consider whether such Law may be beneficially amended;"—Committee to consist of Sixteen Members:—Mr. VILLIERS, Sir MICHAEL HICKS-BROWN, Mr. M'MAHON, Lord CLAUD HAMILTON, Mr. DOWNING, Mr. KAVANAGH, Mr. MAGUIRE, Colonel TAYLOR, Colonel VANDERLEUR, Mr. DEASE, Mr. BRUEN, Mr. STACPOOLE, Mr. WILLIAM ORMSBY GORE, Sir FREDERICK HEYGATE, Mr. BAOWELL, and The Marquess of HARTINGTON:—Power to send for persons, papers, and records; Five to be the quorum.—(*The Marquess of Hartington.*)

DIPLOMATIC AND CONSULAR SERVICES.

Motion made, and Question proposed, "That a Select Committee be appointed to inquire into the constitution of the Diplomatic and Consular Services, and their maintenance on the efficient footing required by the political and commercial interests of the Country."—(*Mr. Solater-Booth.*)

Debate arising:

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Colonel French.*)

Motion, by leave, withdrawn.

Main Question put, and agreed to.

Select Committee appointed, "to inquire into the constitution of the Diplomatic and Consular Services, and their maintenance on the efficient footing required by the political and commercial interests of the Country;"—Committee to consist of Twenty-one Members:—Mr. SOLATER-BOOTH, Mr. RYLANDS, Viscount ENFIELD, Mr. WILLIAM HENRY GLADSTONE, Mr. OTWAY, Sir CHARLES

DILKE, MR. KENNEDY, MR. HOLMES, MR. WILLIAM CARTWRIGHT, MR. ARTHUR RUSSELL, MR. WHITWELL, MR. STOFFORD-SACKVILLE, MR. EASTWICK, MR. BARING, MR. WILLIAM LOWTHER, MR. CAMERON, MR. FREDERICK STANLEY, MR. BAILEY COCHRANE, VISCOUNT BABBINGTON, MR. FREDERICK WALPOLE, and MR. STRUTT:—Power to send for persons, papers, and records; Five to be the quorum.

MUNICIPAL CORPORATIONS (BOROUGH FUNDS) BILL.

On Motion of MR. LERMAN, Bill to authorise the application of Funds of Municipal Corporations and other Governing Bodies in England and Wales in certain cases, ordered to be brought in by MR. LERMAN, MR. MUNDELLA, MR. GOLDNEY, MR. CANDLISH, and MR. DODDS.

Bill presented, and read the first time. [Bill 55.]

BAR OF IRELAND BILL.

On Motion of Sir COLMAN O'LOOHLIN, Bill to repeal an Act passed in the Parliament of Ireland in 1541, requiring attendance at one of the Inns of Court in England as a necessary qualification for admission to the Irish Bar, ordered to be brought in by Sir COLMAN O'LOOHLIN and Mr. MAGUIRE.

Bill presented, and read the first time. [Bill 56.]

METROPOLIS (KILBURN AND HARROW ROADS) BILL.

On Motion of Lord GEORGE HAMILTON, Bill to amend "The Annual Turnpike Acts Continuance Act, 1871," so far as the same relates to the Kilburn Road and the Harrow Road; and for other purposes, ordered to be brought in by Lord GEORGE HAMILTON and Viscount ENFIELD.

Bill presented, and read the first time. [Bill 57.]

BANKRUPTCY (IRELAND) BILL.

On Motion of Mr. ATTORNEY GENERAL for IRELAND, Bill for the amendment of the Law of Bankruptcy in Ireland, ordered to be brought in by Mr. ATTORNEY GENERAL for IRELAND and The Marquess of HARTINGTON.

Bill presented, and read the first time. [Bill 59.]

IMPRISONMENT FOR DEBT ABOLITION (IRELAND) BILL.

On Motion of Mr. ATTORNEY GENERAL for IRELAND, Bill for the abolition of Imprisonment for Debt in Ireland, and for the punishment of Fraudulent Debtors, and for other purposes relating thereto, ordered to be brought in by Mr. ATTORNEY GENERAL for IRELAND and The Marquess of HARTINGTON.

Bill presented, and read the first time. [Bill 58.]

GAME AND TRESPASS (NO. 2) BILL.

On Motion of Sir HENRY SELWIN-JUBETSON, Bill to amend the Laws relating to Game and Trespass on Land, ordered to be brought in by Sir HENRY SELWIN-JUBETSON, Sir SMITH CHILD, Colonel CORBETT, Mr. GOLDNEY, and Sir GRAHAM MONTGOMERY.

Bill presented, and read the first time. [Bill 60.]

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, 20th February, 1872.

MINUTES.]—PUBLIC BILL.—Third Reading—Burial Grounds * (6), and passed.

BURIAL GROUNDS BILL—(No. 6.)

(*The Earl Beauchamp.*)

THIRD READING.

Order of the Day for the Third Reading, read.

THE EARL OF MORLEY desired to state, on behalf of Her Majesty's Government, that they did not regard this Bill as one likely to be received as a final settlement of difficulties it was intended to meet. He did not mean to oppose the Motion for the third reading, but made the observation he had just addressed to their Lordships in order to prevent any misapprehension of the course that might be taken with respect to the measure in the other House of Parliament.

EARL BEAUCHAMP said, he did not himself suppose that his Bill met all the grievances that were alleged on the subject. There were well-founded and ill-founded grievances, and his object in proposing the Bill was to remove the former, and not to touch the latter. That the measure would satisfy those who were making a party cry of the question, he had never for a moment supposed.

THE EARL OF KIMBERLEY thought that, as far as it went, this Bill proceeded in the right direction; but he protested against the idea which the noble Earl seemed to entertain, that all objections which his Bill did not remove must of necessity be party objections.

Bill read 3^d: an Amendment made; Bill passed, and sent to the Commons.

House adjourned at a quarter past Five o'clock, to Thursday next, half past Ten o'clock

HOUSE OF COMMONS,

Tuesday, 20th February, 1872.

MINUTES.]—SELECT COMMITTEE—Second Report—Public Petitions.
 PUBLIC BILLS—Resolution in Committee—Ordered—First Reading—Occasional Sermons [61]; Intoxicating Liquors Law Amendment* [62].
 Second Reading—Marriages (Society of Friends)* [38]; Public Parks (Ireland)* [41].
 Committee—Burials [1]—R.P.

ARMY RE-ORGANIZATION.

QUESTION.

MR. HOLMS asked the Secretary of State for War, Whether, after submitting his scheme of Army Re-organization on Thursday, he will allow the Debate to be adjourned until the following Thursday?

MR. CARDWELL, in reply, said, that he should wish to consult the convenience of the House in reference to the matter. He had at first proposed that the discussion upon the proposal of the Government should be adjourned until Thursday next. That day, however, was devoted to another purpose. He thought it desirable that after the Committee should have heard what the proposals of the Government were, future progress should be considered, and he would be very desirous to consult the convenience of the Committee. He believed Monday next was vacant, and he should hope there would be no objection, if there should be an adjournment from next Thursday, to go on on that day.

UNIVERSITY TESTS ACT, 1871.

QUESTION.

MR. OSBORNE MORGAN asked Mr. Attorney General, Whether the Statute now in force in the University of Oxford by which a Candidate for the degree of B.A. at that University is required either to pass an examination in the Articles of the Church of England, or to make a declaration that he is not a member of that Church, is not a violation of the second section of the "University Tests Act, 1871," which provides that—

"No person shall be required upon taking, or to enable him to take, any degree (other than a degree in Divinity) within that University to make any declaration respecting his religious belief or profession."

THE ATTORNEY GENERAL, in reply, said, that the Question which the hon. and learned Gentleman had put to him arose not on the second section, but upon the third section of the University Tests Act. No doubt such a statute as the Question referred to might be in direct contravention of the University Tests Act; but it was plain that it might be passed and used with no such intention. He was unable to say more than that, because this was a question of law; it was a question of the construction of the University Tests Act, in which he had no more authority than any other hon. Member of the House. He could not take upon himself to pronounce a judicial opinion upon it, nor could Government undertake to enlighten the House on the matter judicially.

INDIA—RECENT LEGISLATION.

QUESTION.

SIR CHARLES WINGFIELD asked the Under Secretary of State for India, Whether any decision has been come to by the Secretary of State on the subject of two Laws recently passed by the Council of the Governor General; one for introducing the Metric System of Weights in India, the other called a Canal and Irrigation Act, in which provision is made for levying a special rate from the owners of land accessible to irrigation from a canal, although they may not use the canal waters?

MR. GRANT DUFF replied that both the Acts referred to were still under the consideration of the Secretary of State in Council.

TREATY OF WASHINGTON—
THE "ALABAMA" CLAIMS.

OBSERVATIONS. QUESTION.

MR. DISRAELI, in putting the Question which he had placed upon the Paper, and which was in the following terms:—As to the time at which the American Case, framed under the alleged provisions of the Treaty of Washington, was first received by Her Majesty's Government, and the circumstances attendant on that reception—said: I beg now to make the inquiry that I did upon the first night of the Session, and unsuccessfully last night, to the right hon. Gentleman at the head of the Government.

It refers to our relations with the United States of America ; but it does not at all refer to the merits of the case as between our Government and the Government of the United States, which I should most scrupulously abstain from touching under present circumstances. The House will perhaps remember that on the first night of the Session I pressed the right hon. Gentleman for information on two points. One was as to the date of the "friendly communication" which had been made to the Government of the United States ; and the second was as to the time when the Case of the United States, drawn up under the alleged provisions of the Treaty of Washington, had been transmitted to Her Majesty's Government. The right hon. Gentleman gave me an answer to the first Question which was precise if not satisfactory. The right hon. Gentleman said the "friendly communication" was made on the day before the meeting of Parliament, or, more correctly speaking, on Saturday, the 3rd of February. With regard to the second question, we could only collect, rather vaguely, from the right hon. Gentleman, that the American Case had been in the possession of the Government about a month at the time he was speaking, and that it had been in the possession of the Cabinet generally for a much shorter time. Indeed, I think that, appealing to his Colleagues near him, he said it had been in their possession only a week. Then the right hon. Gentleman said it was a voluminous production, and that it had to be printed. Now, a statement has been made, which I have reason to believe is authentic, because it agrees with information which had previously reached me—namely, that what is called the American Case was transmitted to the Government in the middle of December, and that within 48 hours afterwards a certain number of printed copies were forwarded to Her Majesty's Government, in order that the Cabinet might be supplied with copies at once, and become acquainted with the Case. Neither the forms of the House permit, nor the necessities of the question require, that I should call the attention of the House to the important consequences which may be connected with these details. We shall, no doubt, have ample opportunity of entering into them hereafter ; but it is of importance that, in the interval, both sides of the House should have

as accurate an acquaintance as possible with the facts on which all are agreed. I trust, therefore, that after the statement I have made, the right hon. Gentleman will allow me to say that it will be satisfactory if he would now more precisely inform us as to the time and circumstances under which Her Majesty's Government first became acquainted with the American Case.

MR. GLADSTONE: The Question of which the right hon. Gentleman gave Notice afforded me but little guidance as to the particular view with which it was given. I begin by saying that I need hardly remind the right hon. Gentleman or the House that when he addressed to me on the first night of the Session Questions as to the reception and distribution of copies of the American Case from the Foreign Office, he must have known that without the slightest notice it was impossible to give him specific information. However, I gave him such information as was in my power, which was partial and general, and if he had made known to me at the time his wish for further information I should have been glad long ago, within a day or two, to supply him with it. Having had Notice from him this morning, I sent to the Foreign Office and obtained the information, but I obtained it with reference to what I presumed to be the point of his inquiry—namely, how it happened that the Cabinet were not put sooner into the possession of the American Case. That is what I supposed to be the point of his inquiry ; if I am wrong in that, and if other matters are also in view, I shall be happy to do my best on a future occasion to acquaint him with any particulars. Now, first of all, with regard to the number of copies of the American Case, there is no doubt that, not in the middle of December, but by the 26th of December, a number of copies of the Case were received at the Foreign Office, which would have enabled them to be distributed among the Members of the Cabinet ; but the authorities of the Foreign Office judged—and, I think, judged rightly—that that was not the first use to be made of these copies of the document. A certain number of copies were necessary to be retained in the Foreign Office itself for use and examination by those who belong to it. A certain number it was necessary to send to America for Sir Edward

Mr. Disraeli

Thornton, who was depending upon us for them. A certain number were necessary, especially for sending to various colonies, in a part of which the acts alleged against us were known or declared to have happened; and, finally, the persons whom it was necessary to supply with copies were all those who, either as regular or occasional legal advisers of the Government, and persons conversant with the facts, were especially charged with the duty of its early examination and with the preparation of the counter Case. Now, Sir, that was the view taken by the authorities of the Foreign Office, and, in my opinion, it was a perfectly correct view. I am bound, and it is only fair, to say that the Foreign Office set down to my debit a copy of this Case at the earliest date of its reception—that is to say, as having been sent into the country to me on the 20th of December, but I have not been able to trace that copy. I am endeavouring to do so; but I am bound also to say that if I had received it, and knowingly received it, I should very likely have allowed a considerable time to elapse before I had been able to make myself master of that important volume. I had devoted considerable time, with no small inconvenience, to making myself master of the English Case, of which I had read every word, and my comments on which I had sent to the Foreign Office; but, with regard to the American Case, I frankly own that I should have looked for guidance and suggestions to those whose duty it was to consider the legal and international bearing of the points, and to prepare the counter Case. Now, that is the general principle upon which the Foreign Office proceeded in the distribution of those copies, and I will now give the facts rather more particularly, that the right hon. Gentleman may see how the figures stand. On the 15th of December copies of the Case were exchanged at Geneva, as was required or provided by the Articles of the Treaty, and arrangements were then made for the exchange between the agents of a certain number of copies. In consequence of those arrangements, 12 copies were received at the Foreign Office on the 20th of December. Of those, seven were sent out and five were retained at the Office for use. On the 26th of December 13 more copies were received, of which 12 were sent out, being distributed

among persons of the classes to whom I referred—including, however, a copy to Lord Lyons at Paris, and a copy to Earl Russell, who, I think, the right hon. Gentleman will feel was entitled to be put very early in possession of a document in which his name, like my own, unfortunately, cuts a figure. That being so, 25 copies had been received and 24 had been disposed of by the Foreign Office at the end of December, by which only three Members of the Cabinet had profited, and I think that the distribution was in all respects a reasonable one, under the circumstances, on account of the great occasion there was for sending copies of the Case for examination to other persons. The whole number was 25, and the number disposed of was 24, of which 19 had been sent out of the Office and 5 remained in it. The right hon. Gentleman will see, therefore, that there was not a sufficient number of copies to distribute among the Members of the Cabinet, and the Case had been sent to the printer to be reprinted on the 26th of December. The reprinting of a considerable volume at the Foreign Office is not a very slight matter. The House knows that the printing department at the Foreign Office is a strictly confidential department, and as such it is necessarily a very limited one. It was occupied much at that time in printing, as I am informed, the translation of the English Case, and it was likewise much occupied in printing papers connected with the Commercial Treaty with France. The House also knows that the 26th of December is not the very best day on which to send work to the printers with respect to which you desire that the greatest possible dispatch should be observed. I do not know that there was delay upon that account to any serious extent; that is only an observation which occurs in connection with the date. On that account it was that the reprinting of the Case took a longer time than it would have done under ordinary circumstances—I mean on account of the other work with which the Department was charged. Having said that only three Members of the Cabinet had or were supposed to receive copies in December, I should add that three others received copies, I believe, through the courtesy of the United States Minister. With respect to the rest of the Cabinet the statement which I made on the first

night of the Session, upon hasty reference to my right hon. Friends who sat near me, was that the Case had been in their possession, as I believed, for not more than a week or ten days. That, I believe, was very near the mark. I am not sure that I have been provided with the exact day on which these copies were distributed to the Cabinet; but it was undoubtedly well on in the month of January, though not quite the end of the month, that the distribution was made. I frankly own that, whether rightly or wrongly, when I first heard of the American Case my belief was that it was an exact counterpart of the British Case—that is to say, a dry and dull, but most able and close argument upon the points connected with the *Alabama* and her consorts, and I imagine that all those who gradually became possessed of the volume underwent the same sentiments of surprise as myself at the entire novelty of an important portion of the contents of the volume.

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL.—QUESTION.

MR. CHARLEY asked the Vice President of the Council. Whether it is his intention to place the Committee on the Parliamentary and Municipal Elections Bill as the first Order of the Day, on Thursday, the 29th inst., that day having also been fixed for the Second Reading of the Scotch Education Bill?

MR. W. E. FORSTER said, that it would stand the first Order of the Day on Thursday.

**CONTAGIOUS DISEASES ACTS.
QUESTION.**

SIR JOHN PAKINGTON asked the Secretary of State for the Home Department. Whether he has received two Memorials in favour of the Contagious Diseases Acts, one of them signed by nearly a hundred members of the medical profession residing in London, and the other signed by about twelve hundred members of the same profession; and, if so, whether he will lay those Memorials upon the Table?

MR. BRUCE, in reply, said, the fact was that there was only one memorial, but there was a series of signatures. One portion of it had reached him some time ago with 87 signatures, and since then he had received another portion of it

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with 1,000 additional signatures. He would produce the document if it were moved for.

THANKSGIVING IS THE METROPOLITAN CATHEDRAL—BANK HOLIDAY.

QUESTIONS.

MR. SIMONDS asked the First Lord of the Treasury. If he will consider the propriety of making Tuesday the 27th instant a general Bank Holiday and not confining it to the Metropolis, as proposed?

MR. GLADSTONE in reply, said, the Government were very desirous, as he stated on a former occasion, to consult the public wish and convenience on this matter. He was bound to say that up to that time the Government had no reason to suppose that there was a general desire throughout the country for any interference by public authority with the course of business, and the Government had not thought it their duty to force upon the country a thing which they did not think it deserved itself in connection with the Thanksgiving.

In reply to Mr. BOWRING,

MR. GLADSTONE said, he believed it would be a necessary part of the proceedings connected with the Thanksgiving to move the adjournment of the House from Monday till Wednesday.

RECTORY OF EWELME.—QUESTION.

In reply to MR. MOWBRAY,

MR. GLADSTONE said, Mr. Harvey unhappily had been suffering under ill-health, but had given him letters containing the facts of the case from the University of Oxford, and had, he thought, distinctly stated that the right hon. Gentleman was wrong in supposing that the admission of Mr. Harvey was not an absolute admission. He had recently placed the papers he had received from Mr. Harvey in the hands of his hon. and learned Friend the Attorney General, who he durst say would be able to give him legal advice in the course of a short time.

MR. MOWBRAY asked, whether the right hon. Gentleman had any objection to place the Correspondence upon the Table?

MR. GLADSTONE said, the Correspondence was private, and was not at all prepared for any such purpose. He would take care that the right hon. Gen-

leman should be provided with a copy of the Correspondence.

MR. MOWBRAY said, the Government placed before Parliament the letter of Mr. Justice Willes.

MR. GLADSTONE said, the right hon. Gentleman would recollect that Mr. Justice Willes wrote a letter in connection with a statement made and published by another judicial authority, stating by implication that Mr. Justice Willes's sentiments were contrary to what he entertained.

EMIGRATION.

MOTION FOR AN ADDRESS.

MR. MACFIE, in calling attention to the last Report of the Commissioners for Emigration, and, in connection therewith, to the large proportion of the Emigrants from the United Kingdom who go to foreign parts and become aliens, and to move an Address for certain Returns, said, this subject concerned deeply the welfare of the masses of the people, and concerned the stability and progress of the Empire. In the instructions issued by the Queen to the Emigration Commissioners they were entitled Commissioners for the Sale of Waste Lands of the Crown throughout the Colonies. They were also called Colonization Commissioners. If the exceedingly judicious instructions given by Lord Russell when he was Minister for the Colonies had been carried out in the spirit in which they were dictated, they must have resulted in great benefits to the Empire. Lord Russell stated that the Sovereign held these waste lands in trust for the public good; that the first principle of the official conduct of the Commissioners should be to afford to all applicants the most easy access to all authentic means of knowledge with reference to emigration; and that to promote emigration, they ought to interpose actively. In the Returns the number of acres disposed of was given as 700,000, but in the United States it appeared that, independent of certain free grants and other appropriations, the sales amounted to about 7,000,000 acres. It must be manifest, therefore, that the original instructions given by Her Majesty's Government as to the disposal of our waste lands for the encouragement of emigrants had altogether lapsed. Unhappily, Her Majesty's Government and this House, in

dealing with the colonies, had shown the same gentlemanly, confiding, and conciliatory spirit which had led and was now leading us into endless trouble with the United States. In the negotiations carried on about 20 years ago much was implied and much expected, but what was said was not expressed with sufficient clearness, and thus it had come to pass that the people of this country had no longer any control over the greater part of those territories which had been acquired by their prowess, their foresight, and their vigour. The hon. Gentleman, having quoted the authority of Earl Granville and the Under Secretary of State for the Colonies to show that much land in Southern Africa, and very much more in Western Australia is still under the direct control of the mother country, proceeded to say that there were in the colonies of this Empire more than 2,000,000,000 acres, or between 5 and 10 per cent more than the acreage at the disposal of the United States. If this quantity of land were divided in equal proportions among the English, Scotch, and Irish subjects of the Crown residing in all parts of the world, it would give to each man, woman, and child a farm of more than 50 acres. The number of English, Scotch, and Irish emigrants last year was about 200,000. In 1870 the number of emigrants of all nationalities who had gone from this country was about 257,000, but many of them were Germans who arrived here merely *in transitu*. Of the 200,000 emigrants of whom he had spoken, 122,000 were males, the great bulk of them adults, and about half of the latter were artizans, gardeners, and farmers. The value of the gift which we thus made to other parts of the world might be estimated from the large percentage of males and of high-class emigrants, and by regard to their training and skill in the arts. That these men were of a good stamp would appear from the fact that in three years only, according to the Report of the Commissioners, emigrants from Ireland had remitted home more than £4,500,000. In 1869 and 1870 the Irish emigrants amounted respectively to 73,000 and 74,000; last year the number was 71,000; in 1864 and 1865, the first years given in the Returns, it was 105,000 and 101,000. But while the number of Irish who voluntarily expatriated themselves was

diminishing, that of the English and Scotch was increasing. In 1869, 1870, and 1871 the number of Scotch was 22,000, 23,000, and 19,000 respectively; in 1864 and 1865 it was 15,000 and 13,000 only. In 1869, 1870, and 1871 the English emigrants amounted to 90,000, 105,000, and 102,000 respectively, while in 1864 and 1865 they were only 57,000 and 61,000. Such was the information given by our own Commissioners. But, according to the United States Commissioners, the number of English and Scotch, exclusive of Welsh, who emigrated to that country in 1849-50 was only 12,000; 10 years later it had risen to 31,000, and 10 years later still—namely, in 1869-70, it had risen to 139,000. Hon. Members might smile at the idea of men being estimated at a money value, but it had been done in this country, and was extensively done in the United States. Dr. Kapp, the Commissioner for Emigration in the State of New York, said that in the time of slavery a good field-hand was worth \$1,200 and over, and added that he felt safe in assuming the capital value of each male and female immigrant to be \$1,500 and \$750 respectively, and that estimate had been confirmed by a friend of his, a prominent political economist. Another authority said that nearly half these emigrants were skilled labourers and workmen who gave Americans the benefit of their skill without calling on America to pay for the cost of their education. Dr. Kapp spoke of "this colossal emigration of the European masses," adding—"It is still in its infancy." While the Government of this country were relaxing in their efforts to induce emigrants to go to the British colonies, the American Government were redoubling their efforts to attract population to their territory. Publications were disseminated here to promote emigration to America, and English emigrants, in the words of one American, were everywhere enriching the country and themselves. The United States Consuls abroad acted as emigration agents, and distributed the necessary papers and maps; and foreigners were instructed by advertisements published in various European languages how to become citizens of the United States. When such successful efforts were made to take from their allegiance to the Queen the best of our population, it

surely became this House to take the subject into their earnest consideration, and see what could be done. In the first place, we ought to lay down and carry out with spirit a national policy—to infuse into the minds of the English people greater national spirit and patriotism, which, he feared, were in many quarters giving way to mere cosmopolitanism. More should be done to promote agriculture at home. Hitherto, the entire energies of the British Government had been devoted to the extension of manufactures and trade; but, *pari passu*, we ought to attend to the cultivation of the soil, to free the soil to the utmost, and so raise up a suitable population who would overflow into the colonies. We should also seek to remove every obstacle to the circulation of British capital throughout the Empire, especially facilitating its employment in the promotion of agriculture in the colonies. We should enter into friendly correspondence with the colonies, opening up offices throughout the country, in which maps and plans should be placed showing the available land and the colonies best fitted for emigration. Facilities should be afforded for removing our fellow-subjects to parts of the Empire where they would be far more useful to us than if they were alienated in America. A system of inter-communication should be established at moderate rates, which he believed could be arranged so as to be no burden upon the mother country. Lastly, the Crown should continue to bestow honours upon our fellow-subjects in the colonies, especially for any services rendered by them in reclaiming waste lands, and successfully establishing English emigrants there. In doing, all that we should be only following out, perhaps feebly, the policy of the people of the United States, who were the greatest colonizers in the world. We should be conferring advantages both on the men left at home and on those who emigrated; we should benefit the colonies by increasing there the number of taxpayers, of land-buyers, and of producers of wealth; while the United Kingdom would derive great advantage from a policy which would develop her agriculture and make her less dependent on manufactures, a much less stable occupation. He contrasted the amount of our exports taken by our colonies with the amount taken by other countries.

Victoria took £9 a-head one recent year, and £6 the year after, while France, with the vaunted Treaty of Commerce in force, took only 6s. a-head, including the coals, of which it had far more than was good for us, and the United States only 15s. a-head. It was objected that the carrying out of any systematic scheme of emigration would entail expenses upon the Government, and that it was unfair to tax one labouring man to help another. There was, however, no necessity to have recourse to taxes. Let the land be disposed of at such a price as would induce people to go out to it with capital and take their labourers with them, and let the labourers, after seven years' service, have an allotment. The integrity of the British Empire would be more effectually secured by planting loyal men in all parts of the world in this way than by any other means. He therefore moved, in preference to at once asking for a Committee, for Papers showing the duties of the Emigration Commissioners, and the number of emigrants sent out under their auspices.

SIR HARRY VERNEY seconded the Motion. It would be of the greatest importance to America as well as to this country, if emigration could be so encouraged that a great highway could be established across North America to communicate with the Pacific. It had been ascertained that the district most favourable for such an operation and colonization, and which was some hundred miles in width, was as fertile as any portion of the globe; but the expenses of that emigration should be borne by those who would derive benefit from it. Ample and correct information should be forwarded to all those who were about to leave this country to establish homes in far distant lands.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Returns showing the names of the Colonial Land and Emigration Commissioners:

The Instructions originally given for their guidance, and any others that may have been given subsequently, and are now in force:

The functions actually discharged by the Commissioners:

(1.) The number of Emigrants who have been despatched to the several Colonies by or under the auspices of the Commissioners; (2.) in connection herewith, the number who have gone to each Colony independently of the Commissioners'

initiation, each year to be distinguished, and totals to be made up:

The number of Emigrants, distinguishing adult males, aged males (if possible), women, and children, also distinguishing farmers and agricultural labourers and artizans, and distinguishing English, Scotch, Irish, and Foreigners (totals to be made up), who left in the several years 1860, 1870, and 1871 for the British Colonies, and other parts, distinguishing Australasia, Southern Africa (if possible and convenient), British North America, the United States of America, South America, and other parts, together with an approximative estimate of the number who went through British territories to the United States and through the United States to British territories in each of these years, and an adaptation of the figures hereto:

The number of Emigrants who sailed in 1871, with Estimates of the number who are likely to sail in 1872 (or have been contracted for) to Queensland and to New Zealand under the auspices of Colonial agents, and to some extent at the expense of these Colonies, distinguishing nationality and ports of embarkation:

The names and addresses of the principal Officers and Offices in this country for the sale of Waste Lands in other parts of the world:

The prices of land in the United States and in the several Colonies:

The number of acres sold or otherwise disposed of in each of the Agricultural Colonies and in the United States, according to public official Returns, in each of the latest three years for which there are returns or records at the Colonial Office, together with the price or rent obtained or promised, and the objects to which the monies are applied:

And, the title and price of any Books explanatory of the inducement to Emigrate to British Colonies, which have been compiled or are issued by any of the Colonies or the British Government, resembling the volume annually printed and distributed by the Government of the United States concerning lands in that country."—(Mr. Mufie.)

MR. KINNAIRD said, he regretted that a subject of so much importance had failed to secure a good attendance of hon. Members to discuss the subject. The small number present would appear to indicate that a question of such vast importance to the working classes failed to interest their Representatives. The facilities given in England by the Parliamentary train to the working classes for travelling, had suggested the idea that some plan might and ought to be devised by which the cost of emigrating might be diminished, so as to bring the waste lands of the colonies within more easy reach of the labouring population of this country. The time had passed for considering the colonies as *quasi-independent States*, the property of the first few thousands who happened to settle in them. They were part and parcel of the Empire, as the

great Western States were a part of the United States dominions. What we needed, he thought, was some Confederation embracing them all, and some central power intrusted with the revision of laws affecting the whole Empire. If we wanted a proof of the evils of the absence of such a power, we had it in those labour laws which had issued in a modified slave trade in the South Seas. By some joint action, authorized by Parliament, certain ships might be chartered to take passengers at a very low rate—say one-third the ordinary rate—and, like the Parliamentary train, be open to everyone—to Members of that House, if they liked to go by them. Practically, those only would in general take advantage of the facility offered, who ought to do so, because the comforts would be very inferior to those of passengers paying full fare. It would be for Parliament to settle how the deficiency in the payments was to be made up to the shipowner. He was persuded that some plan of that kind would develop a wholesome stream of emigration, regulated by the greater or less redundancy of labour, and that one speedy effect would be the diminution of poor rates and prison rates; and that public funds expended on emigration would diminish the charges on other public funds.

MR. SINCLAIR AYTOUN said, he doubted if it was desirable to further stimulate emigration, because he thought it was now as large as it should be. He did not make that statement so much that he objected to emigration, as to its being carried further. If the Government attempted to recognize a scheme for greatly stimulating emigration, it would have the effect of arousing a serious amount of opposition on the part of the employers of labour, especially having regard to the great and successful efforts that had taken place of late years on the part of Trades Unions. He entirely concurred that it was desirable that the stream of emigration from this country should be turned from America to our own colonies, and he expressed his regret that so little interest appeared to be taken in the House on a question of such great national importance in a commercial and political point of view. Figures and statistics showed that while the United States took from us goods and manufactures to the value of 15s. per head, the value taken by some of our

colonies amounted to £6 per head. What his hon. Friend (Mr. Macfie) asked us to do for the sake of our own colonies and our own people, we were willing enough to do for the purpose of opening and establishing a trade with foreigners. To establish such a trade in the case of Japan, we had incurred considerable expense; and the present Government, who would probably decline any grant or expenditure for the purpose contemplated by his hon. Friend, had only just concluded a negotiation for the acquisition of a portion of territory on the West Coast of Africa. Those who argued that it was justifiable to lay out money in China, Japan, and other countries for the sake simply of promoting trade, would find it impossible to show that it was not desirable to spend money in sending to Australia persons who now went to the United States. The people of the United States were, no doubt, one with us, as persons were fond of pointing out, in religion, language, and tradition; but recent events encouraged the belief that they would allow all the associations growing out of a common origin to be overbalanced by considerations of private advantage. One of the most gloomy features in the future prospects of the world consisted in the disproportionate growth of some States as compared with others. The embarrassments which might be looked forward to in Europe in the course of the next half-century would doubtless be connected with the overwhelming growth of Russia and of the United States. To the latter, however, Canada might, perhaps, be raised up as a counterpoise; and if this end could be attained by such pacific means as emigration, it would be far better than attempting hereafter, with great efforts and at great loss, to accomplish similar results with warlike armaments. For these reasons he heartily concurred in the Motion of his hon. Friend.

MR. KNATCHBULL-HUGESSEN: Sir, I appreciate, on behalf of the Government, the motives of the hon. Gentleman who has brought forward the question; but unfortunately we have to deal with things as they are in stern reality. What we desire is, I think, in the nature of things almost impossible, and cannot be obtained by any action the Government may take. I will, however, accede to certain parts of the hon.

Gentleman's Motion, by consenting to provide the information asked for in cases where it has not already been given. It is quite true that when the Emigration Commissioners were first appointed, their principal duty was to superintend the location of emigrants in the waste lands of the colonies; but as time went on, this country deemed it right that all, or nearly all, our colonies should control their own waste lands, without any interference on our part. That being the case, the question of the duties of the Commissioners became much altered, and they now practically exist for these purposes—to afford to the Colonial Office every possible information respecting emigration, and to superintend the working of the Passengers Act, and to see that good provisions and good water are provided, and every possible arrangement made for the convenience of persons leaving this country for another. What the functions of those Commissioners really were would be stated in the Returns to be furnished to the hon. Member. The evident desire of my hon. Friend is, that there should be some system of State assistance to emigrants, which should people the waste lands of the colonies with our surplus population. That, however, opens up a large question. Are we striving to supply colonial wants, or to relieve an Imperial embarrassment? In one case, we shall be sending out a class of which even this country ought not to be in too great a hurry to get rid of; in the other, we run the risk of causing dissatisfaction in the quarter to which the emigrants are sent; and we must remember that as we had got rid of our criminal population at one time at the expense of our colonies, and thereby incurred great unpopularity with them, they were naturally suspicious of any apparent intention on our part of getting rid of a portion of our surplus population which, having failed here, might not do better in the colonies. Again, there is the great objection to State assistance to emigration, that we interfere with the labour market at home, and either run the risk of sending away labour that some of our capitalists may require, or else of being obliged periodically to find work for surplus hands retained in the country. I believe that the adoption of the proposal of my hon. Friend will tend to dry up the source

from which emigration now so satisfactorily proceeds, while it will also throw additional burdens upon the working classes at home. Besides, hon. Members ought not to forget that there is such a thing as the migration of labour within a country itself, and my hon. Friend the Member for South Durham (Mr. Pease) could probably, if he had been in the House, have given some useful and instructive information on the point. I believe it is our duty to see that migration in our own country is properly looked after, before we determine on exporting our best labourers. Then there are difficulties relating to the colonies themselves which stand in the way of the adoption of my hon. Friend's proposal. The colonies maintain—and I think maintain fairly enough, that they are entitled to select their own labourers, and when my hon. Friend complains that the colony of New Zealand has secured the services of 5,000 foreign labourers, I feel rather pleased at finding that they cannot obtain so large a number of a very useful and valuable class of our population. To insist upon the colonies employing English labour would constitute an interference which would not be tolerated, while it is at the same time undesirable to assist in sending away those for whom employment can be found at home. A great deal of the want of employment in this country arises not from the absence of employment, but from the idleness and vagrancy fostered by the system of indiscriminate charity so much in vogue in our large towns. As the hon. Gentleman says, the emigration from this country and Ireland is very considerable. In the year 1870 the amount sent home by emigrants in North America to friends at home for the purpose of enabling them to leave Great Britain was £727,000, and during the same year £12,304 was sent home from Australia and New Zealand for the same purpose; while between the years 1841 and 1870 there had been sent home through the banks, exclusive of what was forwarded privately, no less than £16,334,000. That showed great providence on the part of the emigrants from this country; and I maintain it would be a great mistake to dry up the source of emigration. I hope, Sir, that although my hon. Friend may not be entirely satisfied with the matter of my reply, he will at least admit

that I have treated the subject which he has introduced with that respectful consideration to which it is entitled. I am far from underrating either the importance of the subject or the attractive nature of that proposal for State-assisted colonial emigration to which my hon. Friend evidently inclines. I will even say more. To my mind there is something touching—I had almost said sublime—in the notion that the colonies should come to the aid of the mother country in this matter of emigration. It is as if England should say to her great and thriving colonies—"I have made you what you are. In days past and gone I have sent forth my children across the seas to lay the foundations upon which you have built. From them you spring; on your account they have endured perils and hardships without number; your very existence in the past, your prosperity in the present, and all your aspirations for the future, you owe to their exertions; under the flag of England you have flourished; her prestige has protected you; her blood has been shed for you; her treasure has been lavished on your behalf: now, at last, the time has arrived when you may repay something of the debt, and that, too, not only without loss but with positive advantage to yourselves. Receive England's surplus population to occupy your surplus lands; reciprocate the benefits which, during a long course of years you have received at her hands, and thus strengthen, by one more link, the tie which still binds us together to our mutual interest and advantage." I say, Sir, that there is something touching—something captivating in that appeal, and I do not wonder at the adhesion given to any proposal founded thereupon. But we have fallen upon dull, prosaic, practical times, and when, as practical men, we come face to face with this question, and have to reduce our theories to practice, we are obliged to leave the regions of romance and enthusiasm, and to deal as best we may with the stern realities which we have to encounter. First, if then, State interference with the labour market be dangerous and impolitic; secondly, if the progress of free emigration—hitherto satisfactory—would be unduly checked by such interference; thirdly, if well-organized migration within these islands may diminish the evils as a remedy for which State-

assisted emigration is proposed, and if, after its adoption, its working would be attended with great and inherent difficulties, we may well pause before we assent to any such proposal. I commit myself—I commit the Government to no pledge with respect to the future. In moments of exceptional exigency exceptional measures may be necessary, and in such a matter as this no such hard and fast line can be laid down, as shall declare that at no time and under no circumstances can ever a temporary approach be made to the policy of State-assisted emigration; but as a general and established rule of policy we cannot adopt it. Let not my hon. Friend for one moment suppose that I question his discretion in having mooted the subject to-day. On the contrary, I regard with satisfaction, its ventilation within these walls. It is well that we should show to the thousands of our fellow-countrymen, who are touched by this question of emigration, that we can at least afford a small portion of our time to discuss a matter of ten-fold greater interest to them than many of those questions upon which hours of useless debate are sometimes wasted in this House. It is well that the opinions of thoughtful men upon this subject should be known to the country. It is well we should show that we feel, and feel deeply, for those who, without any fault of their own, and being willing to work, are driven by the want of employment at home to turn their faces towards distant lands—and the more plausible—the more attractive, at first sight, is the proposal that the State should assist such persons to emigrate—the more essential is it that the obstacles and difficulties which stand in the way should be calmly, fairly, and fully stated in this House. And, Sir, although I may not be able to go as far in this matter as the hon. Gentleman might wish, none the less do I recognize the good service which he has done by its introduction; none the less do I thank him for the discussion which he has inaugurated; and none the less do I assure him that the expression of matured opinion from him, and from others who have addressed the House must have its due weight and force with Government. It will stimulate us—if indeed such a process were needed—to increased activity in probing to the bottom those great social problems con-

nocted with the employment of labour in this country which are fraught with deep interest to the minds of English politicians. We have to deal with a circumscribed area—with a redundant population—and with an Empire of which, whilst it preserves its unity intact, the surplus lands and the surplus inhabitants are found in different regions of the world. In that sentence alone you will find the groundwork for almost innumerable political problems. One of these—and that not the least important—we have been discussing to-day. It is one which has pressed, and will press, still more, upon us; it is one which deserves—nay, which commands—earnest thought and deep attention; and I can assure my hon. Friend, and the House, that it is one to the magnitude and gravity of which Her Majesty's Ministers are not insensible, and to the satisfactory solution of which, upon sound and intelligible principles, their best efforts will continue to be directed.

MR. BROMLEY-DAVENPORT said, he had listened with deep interest to the remarks of the hon. Gentleman opposite who had just sat down, and concurred in the opinion that some fair balance should be struck between what he had termed colonial want and Imperial embarrassment. It was, he thought, a matter of regret that the House manifested such little interest in a question of this importance, when others of far less moment had often enlisted its attention. He regretted, too, that the right hon. Baronet who usually sat on the front Opposition bench, and who in the Recess had suggested the taking of artizans from overcrowded towns and planting them out in the clear, had been absent from this debate, because he would have had an excellent opportunity of instructing the House, or adding to his own stock of information. He could not allow the subject to drop without expressing his gratitude to the hon. Gentleman opposite (Mr. Macfie) for bringing it forward.

MR. MACFIE, in reply, said, that employers as a class were desirous that the labouring classes should have the alternative of either work or emigration. He did not contemplate rendering State assistance in the form of a money grant; but he wished to see offices opened, information afforded, land sold cheap, and obstacles in the way of emigration to

our colonies removed. He feared that next year would see from two to three hundred thousand British subjects emigrate to the United States, and 20 or 30 times as many emigrants become aliens as became our colonists. He advocated not so much an increase of emigration as the diversion of it to our colonies. He gladly accepted the Return in the amended form in which it was offered on the part of the Government.

Motion amended, and *agreed to*.

Address for—

"Returns showing the names of the Colonial Land and Emigration Commissioners;"

"The Instructions originally given for their guidance, and the functions actually discharged by the Commissioners;"

"The prices of land in the United States and in the several Colonies;"

"The number of acres sold or otherwise disposed of in each of the Agricultural Colonies and in the United States, according to public official Returns, in each of the latest three years for which there are returns or records at the Colonial Office, together with the price or rent obtained or promised, and the objects to which the monies are applied;"

"And, the title and price of any Books explanatory of the inducement to Emigrate to British Colonies, which have been compiled or are issued by any of the Colonies or the British Government, resembling the volume annually printed and distributed by the Government of the United States, concerning lands in that country."—(Mr. Knatchbull-Hugessen.)

OCCASIONAL SERMONS BILL.

RESOLUTION. FIRST READING.

Considered in Committee.

(In the Committee.)

MR. COWPER-TEMPLE, in moving that the Chairman be directed to move the House, that leave be given to bring in a Bill to enable Incumbent Ministers, with the permission of the Bishop of the Diocese, to provide for the delivery of Occasional Sermons or Lectures in their Churches or Chapels by persons not in Holy Orders of the Church of England, said, he proposed the Bill as a measure of practical reform, limited in its operation, but worthy of consideration for the beneficial results it might indirectly produce. It would relate to the qualifications of persons who might be considered fit to preach occasional sermons in churches of which they were not the regular ministers, and would not affect the ordinary minister, or establish a new order of persons in the Church. The object of the

Bill was to remove useless and mischievous restrictions upon the discretion of the rulers of the Church and of the incumbents of parishes. That restriction was not founded on any law of the Church, or canon, or any distinct statement in the rubric of the Prayer Book. It was not imposed by any statute; but rested on a doubtful construction of statutes taken together with passages in the Prayer Book. The restriction depended upon the interpretation given to certain words in the Preface to the Ordination Service in the Book of Common Prayer, prohibiting anyone from executing any of the functions appertaining to Bishops, priests, and deacons, without ordination. Although preaching was one of the functions of ordained ministers, the previous practice of the Church would not justify its being considered as one of their exclusive functions. In the early period of the Church there existed an obvious distinction between those sermons which formed part of the regular services of the Church and those which were not so united to any particular service. The homilies which were associated with the Communion Service could be delivered only by the clergy who officiated, or were qualified to perform that service; but lectures or discourses which were given separately and distinctly in the nave of the Church might be delivered by persons not specially connected with the regular congregation and holding no office in the Church. In the very earliest period of ecclesiastical history that distinction was observed. One of the best known cases in early times was the case of Origen. While a catechist on a visit to Jerusalem, he was asked by the Bishop to expound the Scriptures publicly; and the Bishop, being called to account, defended himself by quoting many precedents of similar invitations to laymen to preach publicly in the Church. At a later period, at the fourth Council at Carthage, a canon was passed prohibiting a layman from teaching in the presence of the clergy, except they requested him to do so, from which it appeared that the custom of lay preaching was sufficiently common to require a canon for its regulation and limitation. When preaching was resorted to by members of the monastic Orders, they were not ordained ministers; and when St. Francis began to preach in 1208, he had not been ordained. The preaching of lay friars

stirred up new life among the people, and their zealous activity was acknowledged to be an important addition to the ordinary ministrations of the parochial clergy. At the Reformation no prohibition of lay preaching was made, and many who were not priests or deacons were allowed by the authorities to appear in the pulpits of parish churches in England and Ireland. In the 16th century Dr. Robert Harris was allowed to preach in churches near Oxford, when only a student of law and not ordained. Usher, while he was yet a student at Trinity College, and before he had taken Orders, was requested by the ecclesiastical authorities of Dublin to deliver sermons in Christchurch Cathedral. The deficiency of qualification for preaching which prevailed at that time led to the frequent appearance of learned and eloquent laymen and of unordained ministers in the pulpits of the Established Church, and when the Act of Uniformity was framed to prevent benefices from being held by those who had not been episcopally ordained, its enactments were not especially directed against the casual and exceptional preaching of Nonconformists. The section about lecturers seemed to contemplate the delivery of lectures by men who would not read the Church Service. That the Act was not understood at the time to abolish the liberty which had previously been allowed in exceptional instances to unordained preachers was shown by the legal opinions which were recorded in *The History of Baxter's Life and Times*. Mr. Saunders (afterwards Lord Chief Justice) gave as his opinion, in 1675, "That if Mr. Baxter hath the Bishop's licence and be not a curate, lecturer, or other promoted ecclesiastical person mentioned in the Act, I conceive he may preach occasional sermons without conforming, and not incur any penalty within this Act." Mr. Pollexfen, in 1682, gave as his opinion "that Mr. Baxter is not restrained by the Act of Uniformity to preach any occasional sermon, so as it be within the diocese wherein he is licensed." Richard Baxter acted upon these legal opinions and preached in many parish churches in Hertfordshire without interference. John Howe, who had received congregational ordination, and had been ejected under the Act of Uniformity, was permitted in 1671 to preach in Antrim Church by the

Bishop of the diocese. In 1862 Lord Cairns, Mr. Stephens, and Mr. Deane were asked whether a minister not connected with the Church of England, but who had signed the Thirty-nine Articles, and been licensed by a Bishop, would be liable to penalties for preaching; the opinion given was, that he might incur the risk of being convicted under the 21st section of the Act of Uniformity, but that the matter was involved in great uncertainty. The words "execute any of the said functions of Bishop, priest, or deacon" might mean execute those offices with all the authority incident to them; and if the words were so interpreted, they would not prohibit unordained ministers from preaching occasional sermons in churches. It followed that, there was not a clear right on the part of any Bishop to give his licence to a person not episcopally ordained, and who had not signed the declaration required by the Act of Uniformity. He (Mr. Cowper-Temple) contended that it was not desirable to retain such a restriction. Every restriction not justified by sound policy should be removed, and as much freedom given as possible in all these matters. There could be no risk of abuse if the Bishop and incumbent had the power which existed before the Act of Uniformity was passed, and before the Prayer Book was put into its present form. If either should be tempted to abuse any power he might have, he would be subject to an immediate expression of public opinion. Everyone who had observed the conduct of those who sat on the Episcopal Bench must admit that caution and moderation were their characteristics. They were not accustomed to run counter to the cherished opinions of those over whom they ruled. Incumbents were not likely to introduce into their pulpits men who differed from them widely in their views; and their congregations would hear from the invited stranger very much the same tone of teaching and the same line of thought they were accustomed to hear. There would be a double check upon abuse in the responsibility of both the Bishop and the incumbent. The congregation would have a check, though an indirect one. If the incumbent should disregard their wishes, they would have an opportunity of making representations to the Bishop. He wished that a direct voice could be given to them. Whenever the

principle of the Parochial Councils Bill was adopted, and the congregation had representatives to give expression to their opinions, they could be consulted as to the admission of a casual preacher; but it was very difficult, in the present want of organization of parishioners, to devise any machinery by which an opinion could be obtained from them in a formal legal manner, but it was very unlikely that their feelings would be disregarded by both rector and Bishop. The operations of this Bill might be useful by increasing the power and interest of the pulpit, and by enlarging the sympathy that existed between Churchmen and Nonconformists. It would be well for some congregations to have opportunities of hearing old familiar topics handled by persons whose training and associations were different from those of their accustomed pastor, and there ought to be a authorized place in the services for the utterance of well qualified persons in addition to those of the professional clergymen. A measure of that kind would meet the feeling which was growing in the Church for some relations with men who were beyond its pale. That feeling was manifested in a way that excited much observation last summer by two eminent Prelates, distinguished for their power and influence. Their wide Christian sympathy and their desire for more extended usefulness led them to occupy the pulpit of a Presbyterian church in Scotland, and he saw no reason to doubt that the same feeling would lead them into reciprocal action, and would cause them to open pulpits in their dioceses to Presbyterian clergymen whose talents and Christian character would fit them for sound and useful teaching. What these Prelates would do might be done by others, and that event afforded an answer to those who apprehended that the power given by the Bill to Bishops would not be used. The artificial barrier which had been raised by the Act of Uniformity against the admission into the churches of any teaching except that of ordained ministers ought to be removed. It was not suitable to a national Church. He presumed that the teaching which would be delivered in the form of occasional sermons would be of a practical character, dwelling on moral duties and the mode of applying Christianity to the details of every-day life. It would, probably, be found that the various

sermons to be delivered under the Bill would be practically alike, and would be such as to bring out more distinctly the unity and concord underlying all the differences of dogmas. In his opinion, it was the province of the Church of England to help to establish that concord and unity. The Church of England was the most comprehensive and tolerant religious body in existence, and he wished that Church to become still more comprehensive and tolerant. The measure he proposed, though small in its scope of operations, was a step towards removing what some people might consider an assumption of superiority on the part of the Church of England, as if she declared that there was no preaching beyond her pale worth being listened to by her congregations. By at once repealing the restriction he had adverted to, they would enable her freely and heartily to extend the hand of fellowship to other religious communities, and to acknowledge formally that there was an union in common Christianity, even where there was separation in particular doctrines. The Bill was very simple in its construction, and consisted of only two clauses, the principal one being that when the incumbent of any parish made application to the Bishop of his diocese to give permission to a person, approved by the incumbent, to enter his pulpit and preach occasionally, such person, on the permission being granted, might at once preach in the church without being episcopally ordained, and without making the declaration required from clergymen by the Church of England. There was a precedent in the Act of 1840 for enabling clergymen of the Episcopal Church of Scotland and America to preach occasionally in the pulpits of English clergymen, the difference being that, as they were members of another branch of the Church they might officiate as well as preach. The Bill would emancipate the Church authorities from a needless restriction, and would leave their responsibility unfettered. It might lead to very useful results, but at all events it would add a feature of liberality and tolerance to the Church of England. The right hon. Gentleman concluded by moving the Resolution.

Mr. BERESFORD HOPE said, that the right hon. Gentleman had given them a very interesting discourse—he would not say occasional sermon—and

had gone so fully into the objects of the Bill, that he felt obliged to state his objections to it more fully than it was usual for an opponent to do on the occasion of asking leave to introduce a measure. The Bill laboured under an ordinary difficulty—namely, that the intentions with which many persons would receive or would decline it would be far larger than the ostensible intentions of its authors. It might seem, on the face of it, a somewhat innocent proposal; but a closer examination robbed it of that character. The right hon. Gentleman had dwelt upon the supposed analogy that might be drawn from the primitive practice of the Church in allowing laymen to preach; but it must be remembered that that permission rested on the manifest and undoubted basis—that the persons enjoying the permission were in full and complete harmony and communion with the body in whose churches they preached, and derived their authority from the very fact of that harmony. It was therefore manifest that in this practice, no precedent, but the reverse, could be found for any proposal to allow ministers of other and hostile denominations to occupy the pulpits of the Church of England. The right hon. Gentleman had dwelt on the importance of bringing into prominence the many points on which all denominations of Christians were agreed, as well as those on which they differed; and they would all confess that such a thing would be well worth doing, if it was to be done, and that it was, indeed, but the enunciation of the first law of Gospel charity. But he feared that this Bill would have no such happy result. It was clear that upon the clergyman who was anxious to bring a stranger into his pulpit would devolve the preliminary task of selecting him, because it was not to be supposed that the clergy of the Establishment would advertise in the religious journals, that any Dissenting minister anxious to occupy their pulpits on a particular evening would be at liberty to do so. A selection would have to be made, some would be taken, and the rest left out in the cold, and that somewhat invidious process would hardly be conducive to Christian harmony, or improve the amiability of those Dissenting clergymen who found that they were not selected, and who would necessarily con-

Mr. Cowper-Temple

sider that a mark of inferiority had thus been stamped upon them. Then the Dissenting clergyman who was invited to occupy the alien pulpit would not be free to speak his whole mind in it—the antecedent condition would be that he must fight in gloves, or, otherwise, if he were free to reveal his innermost belief, a Church of England congregation might chance to find, in their own edifice, the superior merits of Dissent pressed upon their attention. The Dissenter would not be a Dissenter if he were not convinced of the spiritual superiority of his denomination over the Church, and yet he would be bound in honour not to point out what he believed to be the more excellent way. He would be expected to keep within certain limits, and to confine himself to certain subjects—a course that would not be conducive to straightforwardness, but rather calculated to substitute sophistical and superficial relations of false forbearance for the attitude of honest and manly antagonism that now prevailed between the Establishment and the Nonconformists. Again, in what frame of mind would the congregation go to church to hear the well-advertised Dissenting preacher? It would certainly not be in that spirit of gravity and sobriety proper to be carried to all public devotion, but rather in the excited mood of persons who were about to see something sensational that would divert and distract, and, perhaps, astonish them; for, of course, the minister selected would be a man of mark—one who brought with him a reputation that raised him above the level of the other Dissenting preachers in the land, and would be expected not to disappoint his backers. And if the principle of the Bill was sound, why should it not be extended to laymen; and why should a church-going layman be set aside for a professed opponent of the Church? [Mr. COWPER-TEMPLE: It is.] Then that would simply introduce chaos. It must not be supposed that the men who would most press forward to be heard would be those who were best worth hearing—quite the reverse. The quiet modest, writers and thinkers would still prefer to fill the role of the listeners. Mouthy, ill-educated, restless, conceited, self-sufficient men, speaking out of the abundance of their ignorance, stimulated by their want of common sense and their plentiful supply of self-

sufficiency, would hasten forward to take advantage of the Bill; but, in all other respects, and to all other persons, of what advantage could it be? The man who had anything to say would, they might be sure, select one of the many other channels of publicity already open to everyone—conferences, public meetings, lectures, the Press, &c.—as hitherto; it was not such persons who would have their preaching mouths opened by the Bill. He had no doubt, for example, that the right hon. Gentleman could, if he chose, preach a very good sermon from a pulpit; but he was equally certain that it could be with no idea of availing himself of its provisions that the right hon. Gentleman now brought forward the Bill.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. BERESFORD HOPE resumed. He deprecated the trial of such an experiment as that in the present disturbed state of the Church, when there was already more than a sufficient number of problems awaiting solution, and when there were already so many regular channels open for everyone to say whatever he thought worth saying. He thought that the right hon. Gentleman would act most wisely if he did not now attempt to push this Bill further; but if he did intend to take it to the second reading, he (Mr. Hope) should certainly offer it all the opposition possible.

MR. GLADSTONE said, that he did not think it would be convenient to attempt to enter upon any full discussion of this measure at the present time, when it was not possible to estimate its bearings, notwithstanding the fulness of detail into which his right hon. Friend (Mr. Cowper-Temple) had entered. He should undoubtedly watch the measure with great interest and some jealousy; because he thought it would be no trifling thing to allow the principle that persons should be allowed to assume the office of teaching in the Church of England, while they were not to be in any manner subject to her laws and discipline, or to profess any sort of conformity to her principles, or to be under any sort of obligation to follow her rules. He felt the highest respect for the motives of his right hon. Friend; but he thought such a principle was one that

could not safely be adopted as the basis of legislation by that House.

Motion agreed to.

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to enable Incumbent Ministers, with the permission of the Bishop of the Diocese, to provide for the delivery of Occasional Sermons or Lectures in their Churches or Chapels by persons not in Holy Orders of the Church of England.

Resolution reported: — Bill ordered to be brought in by Mr. Cowper-Temple and Mr. Thomas Hough.

Bill presented, and read the first time. [Bill 61.]

BURIALS BILL—[Bill 1.]
(*Mr. Osborne Morgan, Lord Edmond Fitz-maurice, Mr. Hadfield, Mr. M'Arthur.*)

COMMITTEE.

Order for Committee read.

MR. OSBORNE MORGAN said, he wished to explain that it was his intention, if the Bill were allowed to go into Committee, to accept an Amendment proposed to be made in the 4th clause by the hon. Member for West Kent (Mr. J. G. Talbot), who had given Notice of a Motion to postpone their going into Committee for a fortnight. The Amendment in question took the shape of the following addition to the clause:—

"Provided also, That any service, if not according to a published ritual, shall consist only of prayer, hymns, or extracts from Holy Scripture."

He hoped such a course would disarm the hostility of hon. Gentlemen opposite; at all events, the Amendment would entirely obviate the only objection taken to the Bill. In these circumstances, perhaps, the hon. Gentleman would not press his Motion.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Osborne Morgan.*)

MR. J. G. TALBOT, in rising to move, "That this House will, upon this day fortnight, resolve itself into the said Committee," said, that was no doubt rather an unusual Motion, and one involving some delay on that important subject, but his reason for asking for such delay was this—it was, he knew, not quite regular to allude to what was happening in "another place"; but there could be no doubt that before long another measure on this same subject would come down to the House; and his hope was

Mr. Gladstone

that hon. Gentlemen opposite would see the inadvisability of taking hasty action on that matter, when it was likely that another Bill would soon be before them dealing with the question, as far as he could judge, in a liberal and reasonable manner. He was glad the hon. and learned Gentleman (*Mr. Osborne Morgan*) had adopted a conciliatory course on this occasion; but it was to be regretted that he had not done so sooner, as it would perhaps have led to more satisfactory results than could be attained at the present moment. The hon. and learned Member now, however, said he was ready to accept the Amendment standing on the Paper in his (*Mr. Talbot's*) name with regard to the service to be performed in the burial-ground of the Church of England by others than the clergy of that Church. The reason why he had given Notice of that Amendment in the 4th clause was that if Churchmen were driven to that point, they would make the best bargain they could. The hon. and learned Gentleman knew that Churchmen and Dissenters were fighting on opposite sides of that question; that the promoters of that Bill were taking the first step to disestablish the Church—["No!"], while Churchmen were resisting that attack. It was all very well to say "No," but the Bill was supported last Wednesday with all the eloquence of the hon. Member for Bradford (*Mr. Miell*), who, proposing to disestablish the Church, declared that he looked on this Bill as a step in that direction. Therefore, Churchmen intended to defend their outposts until they were driven into their fortifications, and he trusted their defence of their position would not be in vain. He would tell the House what the compromise was which they were ready to make. Hitherto, in the churchyards of the Church, every person buried had been buried with the service of the Church performed by her ordained minister. That did not seem an unreasonable state of things to remain until the hon. Member for Bradford had succeeded in disestablishing the Church, especially considering that the Dissenters had the right to their own burial-grounds and their own services, and could do as they pleased except in burial-grounds which did not belong to them. He was quite prepared to meet the Non-conformists half-way, and to say that if

they liked to have their burial service elsewhere, as was the case in Scotland and in other countries in Europe, they could bury their dead in the Church of England burying-grounds. In his opinion, the members of the Church of England, in dealing with this and similar matters, had taken too timid a view of late, having regard to the position which they held. It was clear that they had a decided majority in the country, because hon. Members opposite belonging to the Nonconformist Body had refused to be counted, which was a proof that they, at all events, believed themselves to be in the minority. It was a curious fact that although the Dissenters were in a minority in the country, their Representatives were in a majority in that House; but in his belief a change in that state of affairs was impending, as had been foreshadowed by the recent return of a Conservative Member for the West Riding of Yorkshire, which had been looked upon as one of the greatest strongholds of Dissent. He believed that in that and other recent elections Conservative Members had been returned not so much because of their political views, as because they were staunch supporters of the Church of England, as against the secular party, in matters of education. As long as the Church of England was the religion of the majority in this country, its members ought to take a bolder and more vigorous line than they had done of late years. Sitting in that House in a minority of 100 in the earlier Sessions of the present Parliament, the members of the Church of England had been compelled to take a humble position; but the time had now arrived when they could stand forward boldly and resist the proposed encroachments upon their rights. He spoke plainly and fearlessly upon the subject, and he trusted that hon. Members opposite were not offended at his doing so. The Motion he had to propose was not merely a dilatory one, but was intended to give time for a fair consideration of the rival schemes to this measure, which had been or were about to be brought before the House, so that some compromise might eventually be arrived at. The Amendment of the hon. Gentleman opposite, which he had been good enough to accept, was no doubt an improvement upon the Bill as it stood, and would doubtless receive full atten-

tion in Committee. The House, however, would see the propriety of the members of the Church of England, desiring as they did that the whole subject should be fully discussed, refusing to strike their colours at once. The main point in dispute was, whether the Church of England had made a sufficient concession in offering to allow Nonconformists to be buried in her churchyards. Not only had those who belonged to the Established Church no objection to Nonconformists being buried in their churchyards, provided no service was used other than that of the Church of England; but they were perfectly ready to accept any scheme that could be devised for providing Dissenters with burial-grounds of their own. Nonconformists, of course, had a perfect right to stand up and to endeavour to obtain the best terms they could exact; but he must confess his surprise that hon. Members opposite, who professed to belong to the Established Church, should propose such hard terms to their own Church. He supposed that it was political necessity that had induced the hon. and learned Member, himself a professing member of the Church of England, to introduce this Bill. The hon. Gentleman concluded by moving his Amendment.

MR. C. S. READ, in seconding the Amendment, said, that the Bill referred peculiarly to the rural districts, because in all towns and in some large villages there were cemeteries, and therefore the number of persons who would be affected by it would be but small. In the cemeteries attached to the large towns the burial-grounds were divided, and as the hon. and learned author of the Bill termed "ticketed," a practice that had answered very well. It was, however, a singular fact that where there were two burial-grounds—one for the Nonconformists and the other for the members of the Church of England—a great number of the former preferred to be buried in the burial-grounds appropriated for the latter rather than in their own, although they were compelled to submit to the Church of England service being read over them. A short time ago the hon. Member for Bristol (Mr. Morley) had told the House that when the University Tests Bill and the present measure were passed, the Dissenters would not have a grievance left; but it was curious how, the moment one alleged

grievance was removed, others were invented in its place. Thus, the hon. Member for Bradford (Mr. Miall) had now discovered that the great grievance of the Dissenters was the existence of the Established Church—he trusted that that was a grievance which would long remain unremoved—and it had further been found out that the Education Act was another cause for complaint. He feared that Nonconformists were never happy, except when they were miserable; and never contented, except when they had a grievance. He thought that if the suggestions contained in the Reports of the Ritual Commission, to the effect that only certain portions of the Burial Service should be read when the whole service was objected to, the grievance which this Bill proposed to remedy would disappear. Before church rates were abolished the Dissenters might have had some cause to complain that they had not an equal footing in the churchyards, to the maintenance of which they contributed with the members of the Church of England; but at the present moment they were not entitled to make such a complaint. He was quite ready to admit that Nonconformists had a right to attend the church and to be buried in the churchyard; but if they chose to exercise that right they should be content to listen to the form of service which was used in those places. He believed he had a right to be in that House, and to join in the prayers, but he was bound to accept the prayers, which were read by the chaplain; for if he were to attempt an extempore prayer or venture to sing a hymn—however successful his efforts might be—he felt sure he would be ordered into the custody of the Sergeant-at-Arms. The Bill being avowedly "the beginning of the end" with regard to the Established Church, he was surprised that no Member of the Government had spoken upon it. He cordially supported the Amendment, desiring that by some fair compromise "this last rag of a grievance" of the Nonconformists should be removed, which he thought might be accomplished when the Bill from "another place" was before them.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day fort-

night, resolve itself into the said Committee," — (Mr. John Talbot,) — instead thereof.

COLONEL BARTTELOT said, he wished the hon. and learned Gentleman (Mr. Osborne Morgan) to consider whether by forcing the Bill quickly through the House, he would be likely to attain the end which he desired. Another Bill on the same subject, in "another place," had passed a third reading, and it would be well for the hon. and learned Gentleman to consider whether if his Bill went there, it would not receive the same consideration which other Bills had received in that place, and whether he might not fail in attaining his object. He would recommend him to consider whether some fair compromise might not be arrived at by which this vexed question might be fairly and equitably settled. If the hon. and learned Gentleman would meet those who opposed the Bill on fair and proper grounds he might succeed in passing a Bill which would satisfy the Dissenting community; but if he insisted upon having the whole Bill, those who objected to it would be prepared to fight it to the bitter end.

MR. A. W. YOUNG said, he hoped the hon. and learned Gentleman (Mr. Osborne Morgan) would persevere with the Bill. He had already acceded to a fair compromise—namely, that any service not according to any published ritual should consist only of prayers, hymns, or extracts from the Scriptures. The Nonconformists concerned thought they had an absolute right to bury their dead in the churchyards of the parishes in which they lived, and that their own clergymen had a right to perform the service.

MR. CAWLEY said, he thought that when the proposed Amendment was discussed in Committee it would be found very defective. He should not object to prayers, hymns, and portions of Scripture; but a "published ritual" might excite the reprobation not only of Churchmen but Nonconformists. A quotation had been made in a high quarter from a book which was undoubtedly questionable, and which he believed contained a ritual. He wished for a compromise acceptable to both parties, and thought the Bill should be deferred till another measure came before the House.

MR. WATKIN WILLIAMS said, he was surprised that champions of the

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Church of England should object to churchyards being the common burial grounds of the people of this country. He, as a Churchman, desired to maintain the Church, and surely the best way of doing this was to meet the wishes of Nonconformists, by allowing them to inter their dead with due solemnity and decency. He feared that a so-called compromise would really be an abandonment of the Bill, and he hoped, therefore, that his hon. and learned Friend (Mr. Osborne Morgan) would resolutely persevere with it.

MR. CHARLEY said, the principle of this Bill was the levelling up of Dissent to the Church, and not the levelling down of the Church to Dissent, and therefore he was surprised that hon. Gentlemen opposite gave their assent to it. It was a Bill, *pro tanto*, for concurrent endowment, and violated the principles on which the Liberal party came into power. The orthodox plan of proceeding would be to secularize the Church graveyards for the sake of deceased lunatics, or, better still, suicides, who were not entitled to Christian burial. The hon. Member for Bradford (Mr. Miall) looked upon the Established Church as an abomination—as an unclean thing—and how he could accept the offer of consecrated ground in which to bury his dead it was difficult to conceive. There were some clauses in the Bill which he could not see how any Nonconformist could accept—for instance, the provision with respect to payment of fees. The hon. Member for Bradford said the graveyard belonged to him as much as to the clergyman. Then how could he consent to pay fees and acknowledge the freehold of the clergyman? Then, there was no sanction attached to the Bill. What penalty were they going to impose on the clergyman for not obeying their Act of Parliament? He would not vote for a Bill which violated the principle of an Establishment, and the principles which hon. Gentlemen opposite had themselves laid down.

MR. ALDERMAN LUSK said, he thought it was very desirable that they should go into Committee on this Bill. Hon. Gentlemen opposite, instead of objecting to the Bill going into Committee, ought to show some liberality, and a little kindness. Hon. Gentlemen who held Church opinions talked of the rights and privileges which

they had got. They had no more rights and privileges than any other man. A Nonconformist could walk in the streets of London and into that House—he could go into the Courts of Law as well as any other man. Instead of talking about the rights and privileges of Churchmen, it would be better to try to do justice to all. This question of burials was a very solemn one. Churchmen ought not to assume that if a Nonconformist had to bury a relative he would deliver a political harangue at the grave of that relative. He would recommend the House to go into Committee and try to make the Bill satisfactory to all parties.

MR. SALT said, he was prepared to support the Amendment of his hon. Friend (Mr. Talbot); but he would not altogether agree with him that the growing majority upon Church questions entitled Churchmen to take a stiffer position in that House than before. It was the duty now as ever to do what was right and best in the interests of the Church, of the country, and of religion. Members on those (the Opposition) benches were misunderstood in their views relative to the Dissenting body. There were Nonconformists and Nonconformists. A great many were excellent men; but there were others with whom the great body of the Nonconformists themselves were “wide as the poles asunder.” The churches of the Church of England were Christian churches, and all the services in the church and churchyard ought to be Christian services. One view of the action taken by the hon. and learned Member (Mr. Osborne Morgan) was that he was leading an insidious attack upon the Church of England for some ulterior purpose. Another was that he was trying to remedy an acknowledged grievance which both parties admitted and endeavoured to remove by legislation. He was disposed to take the latter view, and to ask himself how near he had come to the hon. and learned Gentleman? The progress of this measure during the last two or three years had more than any other shown the wisdom of Parliamentary procedure. Every year the hon. and learned Member had made renewed and greater progress. Men of different views had gradually come nearer and nearer to an agreement, and the two or three years, so far from being lost, had been time well occupied,

since it had been productive of practical results. The grievances in regard to burial grounds were very small, and the fair solution seemed to be that the Nonconformists should, as in Scotland, perform the burial service in their own houses, and bury in the churchyards without a service. The hon. and learned Member said, however, that this was not enough. The grievance was not only one of fact but one of sentiment, and the latter was often the greater real grievance of the two. It happened, however, that sentiment existed in this matter on both sides, and if the Churchmen gave way to the sentiment of Nonconformists, they ought to be met in a corresponding spirit. He did not insist on any particular words or phrases, but only that the services should be of a decent, orderly, and Christian character. This was quite as much in the interest of the Nonconformists as of Churchmen. Their ancestors were buried side by side with those of Churchmen, and the sentiment that bound them together in regard to their place of common burial was much greater than the peculiar differences of the day which might separate them. His hon. Friend seemed disposed to be satisfied with the use of a published Ritual; but a Ritual might be open to grave objection, even though published. A work lately quoted by a great authority was little less than blasphemous. Whatever words were used, let them be carefully and thoughtfully considered, so that they might satisfy the modest and reasonable yearnings of Churchmen. The solution of the question had grown out of the long discussions of which the hon. and learned Member for Denbighshire (Mr. Osborne Morgan) complained, and he trusted he would accept the Amendment to postpone the Committee for a fortnight. The Bill could then go *pari passu* with the measure which had that night passed the House of Lords, and there would be time during the interval to consider what words were best adapted to carry out the views of both sides, or which would best represent the opinion of the majority of that House.

MR. OSBORNE MORGAN said, that the measure had been fully discussed already, and delay meant defeat. The Notice Book of the House was so heavily mortgaged that if he were to adjourn the Motion for a fortnight, he should not be able to get into Committee for a couple

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of months. The Bill which had to come down from "another place" was before the House last Session, and had most probably been read by every Member interested in it. He was urged to make some further concession; but the moment he did so the language he adopted was objected to. His answer to all the suggestions that had been made from the other side was, that this was not the time for discussing them.

MR. M. CHAMBERS urged that it was high time for hon. Members to become men of business; and, in order to do so, they ought not to wander from the subject before them. The other day they had a very long discussion on the principle of this Burial Bill, and every hon. Gentleman then got an opportunity of expressing his sentiments. The time was come when hon. Members should attend to the business before the House instead of giving room for having constant complaints made that the House did no business at all.

MR. BERESFORD HOPE urged that, as an alternative proposal had been made, it was only reasonable that there should be some delay in order that both matters might be duly considered. The House was a very small one, and an inadequate representation of Parliament for the discussion of this grave matter. He did not wish to strangle the question; but thought the Government might help them to find a day on which to discuss the subject with minds better made up than they were at present. Meanwhile, he must support the Amendment.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 73; Noes 52: Majority 21.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Bill considered in Committee.

(In the Committee.)

On Question, "That the Preamble be postponed,"

MR. MOWBRAY said, a step had been made in advance; but it was clear that the Committee were not in a happy frame of mind for coming to any arrangement to-night. The hon. Member for Bristol (Mr. Morley), who spoke the

other day in a spirit of compromise which they all appreciated, had put down no Amendment; and, on the other hand, the hon. and learned Member for Denbighshire (Mr. Osborne Morgan), who said he was prepared to make considerable concessions, had put down no Amendments, and was told he must make no concessions. Again, no opinion had been expressed by any Member of the Government, and he would, therefore, suggest that as there was very little hope of making much progress to-night, the Chairman should now report Progress, and the Bill be postponed for a week or a fortnight.

MR. OSBORNE MORGAN said, the suggestion of the right hon. Gentleman was merely a repetition of the Motion which had just failed, and he could not accede to it.

MR. ASSHETON CROSS said, he was anxious to bring both parties together in this matter. One aspect of the question was, that the Bill was meant to relieve Dissenters from some actual grievance which was pressing on their consciences. If that was the view which was to be taken of the measure, no one could be more anxious than he to meet their wishes; but there was another aspect of the Bill, and that was that it was simply an attack on the Church of England, and a step towards its disestablishment. That was a view which derived strength from the speech which had been made by the hon. Member for Bradford (Mr. Miall) the other evening. He should like, under these circumstances, to know in what shape the Bill was presented to the notice of the House. Taking into account the candour of the hon. and learned Gentleman (Mr. Osborne Morgan) who had charge of it, he was willing to suppose that it was intended merely to remove a grievance; but he would remind the Committee that the various Bills which had been brought by the Nonconformists before the House had all been based on religious scruples. They objected to the payment of church rates for the purpose of maintaining property which they said was exclusively the property of the Church of England, and they now introduced a measure to obtain a right to the property themselves. That placed them, he contended, to a certain extent in a false position. If the Nonconformists were honestly asking merely for the removal of a con-

scientious grievance, then it was but right that they should have some regard to the religious scruples of the members of the Church, and that they should not inflict upon them a greater grievance than that which they sought to do away with in their own case. He was afraid the Government had given their assent to the measure because the matter had been pressed upon them as a political question. Now, he, for one, did not wish to regard it in that light. If there was a grievance, then it was the duty of the Government, in trying to remove it, to take care that they did so in such a way as not to interfere with the conscientious scruples of others. According to the Bill as it was framed, all towns which had cemeteries were exempt from its operation; while if a landowner chose to give ground, and the parish chose to accept it, for the purposes of a cemetery, that parish would be also excluded. In that way a grievance which was not very large to commence, would be reduced to a very small point indeed. He would, then, in all fairness, ask the Secretary of State for the Home Department, whether he had taken into his consideration what would be the extent of the residue which the Bill would touch? He should like to know from him, also, whether he had made any calculation as to the life of the existing churchyards? The residue to which he referred would mainly consist of old parish churchyards, and it would be found that, as in the case of all the large towns, it would be for the benefit of the community that a great number of these old churchyards should be closed. If the population went on increasing as of late years, that would probably be done in the course of 20 years. Why, then, should a blow be inflicted on the conscientious scruples of a large number of our fellow-subjects for the purpose of passing a measure which would in 20 years be practically of no use? Nothing, for his own part, grieved him more than to see so many instances of men who were separated in life not being united in death, and if cemeteries were provided anywhere he should like to see them provided for men of all creeds. What he desired was that the Secretary of State for the Home Department should direct his attention to the points to which he had just referred.

MR. BRUCE said, that although he had not until the present Session taken any part in the discussions on the Bill, it was perfectly well known what views he entertained with regard to its general policy. In dealing with it, however, he wished to be understood as speaking merely his own individual opinions, for he denied the right of the House to call on the Government to support or oppose any particular measure which they themselves did not find it desirable, from one cause or another, to propose. It might be that there were portions of the present Bill in which certain Members of the Government could not concur; but, for his own part, he supported it entirely for the purpose of removing a grievance, and for no other reason. The existence of that grievance seemed to be universally admitted, for great efforts had been made on both sides of the House to come to a friendly solution of the question. The grievance might not be very widely spread; but it was nevertheless a real and deep grievance. His hon. and learned Friend who had just sat down asked him whether he had made any inquiries with respect to the duration of the churchyards, and he must admit that he had made no such inquiries. Practically, the House was now dealing with the question of the rural churchyards, and in the rural districts there was no such increase of population as that to which his hon. and learned Friend had alluded. The Census showed not only that it had remained stationary, but that it was in many instances decreasing. Some rural cemeteries had been for centuries, and would continue to be for a great length of time, adequate burial places for the population of the localities in which they were situated. That being the case, the duty of the Committee was, in his opinion, to apply itself in a spirit of conciliation and moderation to the solution of a difficult question. A proposal had been made by his right hon. Friend opposite (Mr. Mowbray) for a funeral service which might be accepted on all sides; but that was a proposition which would not meet the views of many Nonconformists. But, apart from the services, there were numerous forms of religious worship which were accepted equally by all parties, and his hon. and learned Friend who had charge of the Bill (Mr. Osborne Morgan) had, in his

opinion, done much to meet the difficulty by consenting to adopt the Amendment of the hon. Member for West Kent Mr. Talbot), which provided for the reading of prayers, hymns, and extracts from the Holy Scriptures.

MR. OSBORNE MORGAN, while stating that the simple object of the Bill was to remove a real grievance under which Dissenters laboured, declined to be held responsible for any opinion which the hon. Member for Bradford (Mr. Miall), or anybody else who supported it, might express with respect to it. It was, of course, open to any hon. Gentleman to vote for it on any ground he pleased.

SIR HENRY SELWIN-JBRETSON said, he could not allow the statement of the Secretary of State for the Home Department with regard to the rural districts to pass without comment. Every one who lived in the country knew that the churchyards in his districts had been largely increased within a comparatively recent period.

MR. NEVILLE-GRENVILLE confirmed the statement just made by the hon. Baronet. He agreed with the hon. Member for South-west Lancashire (Mr. Cross) that this Bill should be discussed on its merits. If there were a grievance it should be met; but he hoped the House in diminishing the minimum grievance of one class would not impose a maximum grievance upon another, and that they would endeavour to forget entirely the speech of the hon. Member for Bradford (Mr. Miall).

MR. MIAILL said, a good deal of capital seemed to have been made out of the few words which had fallen from him on a recent occasion. Those words appeared to him to have been greatly misunderstood; but he did not retract them. He had no interest in this Bill, except as it branched out of another question in which he did take an interest. Hon. Members seemed to think that he wished to obtain the end he had in view through the means of this Bill; but so far from that being the case, he could wish this grievance to continue, as it would give him far more strength for agitation than if Parliament chose to close up this smaller question. This was a Bill for remedying the practical grievances of Dissenters, and, so far, it was a Bill for disestablishing the Church. The repeal of the Test and Corporation

Acts, the passing of the Emancipation Bill, the adoption of new laws for the registration of births and deaths, and the abolition of church rates were all the severance of ties which formerly bound the Church to the State. The House had gone so far, and if it took the step which the Bill proposed, it would, undoubtedly, contribute practically towards the result which he was anxious to bring about; but it would do so far more practically by opposing this Bill; and, consequently, he took but little interest in the success of this or any particular scheme. The grievances were handles for him which he could use to some purpose. Undoubtedly, if hon. Members wished to consult the interests of the Church which was the object of their supreme affections, they would endeavour, as far as possible, to reconcile its ministrations with the feelings and sympathies of the great bulk of the population.

MR. GREGORY said, he heard with regret the speech which the hon. Member for Bradford (Mr. Miall) made a few days ago, and that regret was not relieved by what the Committee had just heard. When the hon. Member claimed an absolute right, not only to the churchyards but to the churches themselves, and when he avowed that the passing of this Bill was but another step towards disestablishment, how could hon. Members accept such declarations as reconciling them to a measure of this description? He (Mr. Gregory) was anxious, however, that the question should be settled on an amicable basis, and from conversations he had had with clergymen of the Established Church he believed arrangements might be made with the recognized ministers of other denominations who wished to perform burial services in the churchyards under proper regulations. He would suggest to the hon. and learned Member (Mr. Osborne Morgan) that he should state how far he was prepared to go in meeting the Amendments upon the Paper.

Question, "That the Preamble be postponed," put, and agreed to.

Clause 1 (After passing of Act, notice may be given to incumbent of intention that burial shall take place in churchyard without the rights of Established Church, and either with or without any other religious service).

MR. CAWLEY moved, in line 16, to leave out after "England" to "and," in line 17. The hon. Gentleman said, that this and other Amendments he had put on the Paper were designed to carry out the compromise suggested by the hon. Member for Bristol (Mr. Morley). He was most anxious that if the Bill passed, it should pass in a form to remove real grievances, and not in a form to open the door to abuses which were so much deprecated on both sides. The words he now proposed to omit were unnecessary; it was enough to say in the notice that the service was not to be according to the rites of the Church of England.

Amendment agreed to.

MR. SALT moved, in page 1, line 20, to leave out from "Provided" to "England," both inclusive.

MR. BERESFORD HOPE objected to the omission of the words, which were inserted by the Committee in the Bill in order to meet conscientious scruples on the part of members of the Church of England. It would not be fair and right to introduce by a side-wind an alteration in the service of the Church in an Act intended solely for the relief of the consciences of Nonconformists. If there was to be any alteration of the service of the Church, let it be done openly in a Bill dealing with the Prayer Book.

MR. SALT said, he would withdraw his Amendment.

Amendment, by leave, withdrawn.

On Question, "That the Clause stand part of the Bill,"

COLONEL BARTTELOT protested against the Amendment which had been made on the Motion of the hon. Member for Salford (Mr. Cawley), believing that the clause would have been more acceptable to many if, instead of reading "and either with or without," it read, "and without any other religious service." He wished to make it plain that if the service were not that of the Church of England, there was to be no service at all. He therefore moved the rejection of the clause.

MR. J. G. TALBOT said, he was under the impression that the opinion of the Committee would have been taken on the Amendment for which preference had just been expressed. If they had passed the clause with that Amendment,

the grievance remaining would have been infinitesimal. Notwithstanding what the Secretary of State for the Home Department had said, he believed the number of places in England, omitting Wales, in which there was any grievance was very small indeed.

MR. GATHORNE HARDY said, he thought his hon. Friend had rather misconstrued the effect of the clause. In fact, the clause was exactly in the form in which they wished it to be. It would be out of place to take a division on it, if the opinion was that burial without a service of the Church of England should be permitted.

MR. SPENCER WALPOLE said, he could not concur in that construction of the clause. There was a far greater grievance affecting the clergy of the Church than that which affected the body of Dissenters. The clergy were bound to read the service in many cases where, according to their consciences, they ought not to read it. That subject had been considered by the Ritual Commission, and a great part of the difficulty was got over by recommending an alternative service in lieu of the present burial service, and if that alternative service should be adopted, it would not only relieve the clergy of the great grievance which rested upon them, but it would relieve every Nonconformist, because there would be nothing in it requiring the clergyman to deny the service to any Nonconformist, or anything to which any Nonconformist could object.

Clause, as amended, ordered to stand part of the Bill.

Clause 2 (Time proposed for burial to be stated in notice, and to be subject to variation by incumbent within limited time.)

MR. CAWLEY moved, in line 28, to leave out from "state" to "and," in line 30, and insert "that such burial is intended to be without the service according to the rites of the Church of England," his object being to require due notice to be given when a burial was to take place without any such service.

MR. GREGORY considered it was very material that the words should be retained in the clause.

MR. HUNT said, the question could be better raised on Clause 4. As a matter of fact, the clergyman would always know the name of the person who was to perform the service.

Mr. J. G. Talbot

MR. HENLEY said, he hoped that some notice would be given to the clergyman as to the certificate of death. A clergyman could not bury his own parishioners without a certificate of death; but there appeared to be no provision in this Bill with respect to a certificate of death where the Church service was not performed. It might be a very convenient arrangement for burkers to get rid of a body without service and without certificate. He must beg the attention of the Secretary of State for the Home Department to this point.

MR. BRUCE said, that as the law stood at present a clergyman burying without a certificate of death was bound to give notice to the registrar, and, therefore, it was necessary, in reference to this matter, that some person should stand in the same place as the clergyman, and send notice to the registrar.

COLONEL CORBETT was of opinion that the words in the clause should be retained.

COLONEL BARTTELOT suggested that the clause should be postponed, for if any other religious service but that of the Church of England was to be performed, it would be desirable to know who was to perform it.

MR. ASSHETON CROSS said, it was necessary that some provision should be made in the clause with reference to the certificate of burial. The person who would perform the service should be the person who should be authorised to send the certificate to the clergyman and registrar.

MR. OSBORNE MORGAN said, he would introduce words into the Bill at a future stage that would meet the difficulty.

Amendment negatived.

MR. GREGORY moved, in page 1, line 29, to leave out "or other person or persons," as he thought that the burial service should only be performed by a recognised minister of some religious congregation.

Amendment proposed, in page 1, line 29, to leave out the words "or other person or persons." —(Mr. Gregory.)

MR. COLLINS said, it would be necessary to retain the words, or else no other person than the clergyman would be able to officiate. It was impossible

to particularise the person or persons who should officiate at the burial of those who were not members of the Church of England.

MR. HINDE PALMER said, that in some bodies of Dissenters there were persons who were not strictly ministers, but recognised preachers, and he thought that the clause should be extended, so as to include such recognised preachers.

MR. R. N. FOWLER supported the Amendment.

MR. COLLINS said, he knew what a clergyman of the Church of England was, and he knew what a clergyman of the Church of Rome was; but he thought it very desirable that some explanation should be given of what was meant by the word "minister;" otherwise they would get into all sorts of quibbles and quirks. They were without any Law Officers of the Crown; but perhaps the hon. and learned Member for Deubigh (Mr. Osborne Morgan) would furnish an interpretation. Without some such statement, it was impossible to know whether the words "or other person or persons" ought to be retained in the clause or not.

MR. HERMON said, the hon. Member for Boston (Mr. Collins) was impressed with the importance of Gretna Green weddings, and doubtless he wanted Gretna Green funerals as well. He hoped the Committee would prevent any scenes of this kind.

MR. CANDLISH asked, if a prescribed form of service were adopted, what could it matter to hon. Gentlemen opposite by whom it was used, as, in their eyes, all who were not Church of England clergymen were equally unauthorised?

MR. A. EGERTON said, it was desirable to meet the scruples of religious sects, such as that of the Society of Friends, who, for the most part, buried in grounds of their own, and who would doubtless conduct their services in a creditable manner, if they desired to inter in consecrated ground.

MR. R. N. FOWLER said, he thought the remarks just made did not apply, since the Society of Friends invariably interred in their own ground.

MR. OSBORNE MORGAN said, he did not see how the grievance of the Dissenters was to be met if the words "other persons" were omitted. He had received several letters on this point.

He hoped, therefore, the Amendment would not be pressed.

COLONEL BARTTELOT said, he thought the very worst way to bring about an amicable settlement was to authorize any person or persons to go into a churchyard and offer up any service he or they thought fit. He appealed to the Secretary of State for the Home Department to state whether he thought it right that a person, not being a minister, who might have been preaching on a Common, or any other place on Sunday, should be allowed to enter a churchyard and offer up any prayer or service he might think proper. Such a thing, he ventured to say, would not be tolerated for a moment, and disturbances would certainly arise if it were attempted. ["Oh, oh!"] Yes, he believed they would, and, holding that opinion, it was better to speak out. If these words were allowed to stand they would prevent the Bill from becoming law.

MR. BRUCE reminded the hon. and gallant Gentleman that part of the arrangement with respect to the Bill implied that the services were not to be left absolutely to the discretion of the person officiating. There were to be prayers and hymns, and portions of Scripture read; so that there would be some limitations on the inventions of persons who were not authorized ministers. Living, as he did, in the midst of a large population of Dissenters, he was aware that sects for whom it was impossible not to entertain the highest respect were constantly without ministers; and, in the absence of ministers, most respectable and excellent persons, chosen for the purpose, officiated.

LORD HENRY SCOTT suggested that if, as was now agreed, there was to be an alternative form of service prescribed by the Bill, the duty of reading this ought to be cast on the clergymen of the Church of England. Not one clergyman in a hundred, he ventured to say, would refuse when once the service had been prescribed by law. He thought that a reasonable compromise.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 126; Noes 101: Majority 25.

SIR MICHAEL HICKS-BEACH said, that for the sake of smoothing matters

and postponing a discussion which must sooner or later occur, they had omitted the words "either with or without a religious service," and yet they had by no means agreed that there should be any religious service at all. Now they were about to give a tacit assent to the same proposition by passing the words "the minister or other person or persons who is or are to officiate at such religious service, if any, be intended to be solemnized." He entirely objected on principle to any religious service being conducted in a churchyard belonging to the Church of England by anyone but an ordained minister of that Church, because he regarded the churchyard as quite as sacred as the Church itself. He therefore proposed, in page 1, line 29, to leave out the words "to officiate at such religious service, if any intended to be solemnized," in order to insert the words, "responsible for the burial."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 118; Noes 99: Majority 19.

Mr. GREGORY moved in page 2, line 17, to add "and that any such Burial shall not take place on a Sunday, Christmas Day, or Good Friday."

Mr. HENLEY said, he hoped that the hon. and learned Member would withdraw his Amendment, because the incumbent had sufficient authority to deal with the matter by other parts of the Bill, and because it would be a great misfortune if a statute were to contain an enactment that would in any degree prevent the poor man from having a funeral on any particular day.

Mr. RYLANDS also objected to the Amendment, on the ground of the inconvenience that would be occasioned if no interment could be made on Sunday and Christmas Day when they came together.

Amendment, by leave, withdrawn.

Mr. C. S. READ moved, at the end of the clause, to add the words—

"And every such burial shall conclude half an hour before the commencement, and shall not begin within half an hour of the conclusion of any such other service or burial."

MR. CAWLEY remarked that the clergyman had no power to fix the hour of termination, which ought to be given.

Sir Michael Hicks-Beach

Mr. C. S. READ said, he was desirous that there should be no collision in the churchyards.

Mr. BRUCE said, that as practically the Bill would apply only to the rural districts the probability of any such collisions was not very serious.

Question put, "That those words be there added."

The Committee divided:—Ayes 78; Noes 117: Majority 39.

House resumed.

Committee report Progress; to sit again upon Wednesday 17th April.

INTOXICATING LIQUORS LAW AMENDMENT BILL.

Acts read: considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Law relating to the Sale of Intoxicating Liquors.

Resolution reported:—Bill ordered to be brought in by Sir ROBERT ANSTRUTHER, Sir HARCOURT JOHNSTONE, Mr. THOMAS HUGHES, and Mr. MORRISON.

Bill presented, and read the first time. [Bill 62.]

HOUSE OF COMMONS (WITNESSES).

Act 34 and 35 Vic. c. 83, read:

1. *Resolved*, That any oath or affirmation taken or made by any Witness before the House, or a Committee of the whole House, be administered by the Clerk at the Table.

2. *Resolved*, That any oath or affirmation taken or made by any Witness before a Select Committee may be administered by the Chairman, or by the Clerk attending such Committee.—(Mr. Dodson.)

Ordered, That the said Orders be Standing Orders of this House.

House adjourned at a quarter after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, 21st February, 1872.

MINUTES.]—New Writ Issued — For Flint County, v. Richard de Aquila Grosvenor, commonly called Lord Richard de Aquila Grosvenor, Vice Chamberlain of Her Majesty's Household. PUBLIC BILLS—Ordered—First Reading—Commons Protection* [83]; Municipal Officers Superannuation* [64].

Second Reading—Marriage with a Deceased Wife's Sister [14].

Referred to Select Committee—Game Laws Amendment [4], appointed. Committee—Report—Marriages (Society of Friends)* [83].

THANKSGIVING IN THE METROPOLITAN CATHEDRAL.

QUESTION.

MR. MONTAGUE GUEST said, that as he saw the right hon. Gentleman the First Commissioner of Works was not in his place, he hoped he might be allowed to put to the Home Secretary the Question of which he had given Notice. He was unable to get an answer the other day from the First Commissioner of Works, and as several hon. Gentlemen were anxious on the subject, he begged to ask whether, in the event of married Members being allowed a ticket for the Thanksgiving at St. Paul's for their wives, unmarried Members would also be allowed the privilege of a ticket for their sisters or other lady; or, if not, upon what ground it was denied them?

MR. BRUCE said, he was sorry that his right hon. Friend the First Commissioner of Works was not in his place to answer the Question; but though he had had no communication with him on the subject, he thought there would be no difficulty in anticipating the answer his right hon. Friend would give—that this was a matter which rested, not with his right hon. Friend, but with the Lord Chamberlain; that the Lord Chamberlain must have special regard to space; that the extension of this privilege to the wives of Members was itself an advance upon what had been done upon previous occasions; that the extension in the manner proposed by the hon. Member would, of course, involve a large employment of space, to the exclusion of other persons; and that the concession to the House of Commons must, of course, be followed by a similar concession to the House of Lords. He (Mr. Bruce) presumed that, under those circumstances, the Lord Chamberlain would be of opinion that he had advanced as far as he was justified in doing. ["Oh, oh!"] But, possibly, the First Commissioner might be armed with some authority upon the matter.

MR. MONTAGUE GUEST begged to give Notice that he would repeat the Question to-morrow.

GAME LAWS AMENDMENT BILL—[BILL 4.]

(*Mr. Hardcastle, Mr. Leatham, Mr. Straight.*)

SECOND READING.

Order for Second Reading read.

MR. HARDCastle, in moving that the Bill be now read the second time, said, he trusted that the House would accede to the Motion on the understanding that the Bill would be referred with kindred measures to the consideration of a Select Committee. The principle upon which the Bill was framed was that it was not for the public interest or for the furtherance of the morality of the country that the crime of poaching should any longer be looked upon as differing from other offences of a similar character which were classed under the name of larceny. His desire was—and he had so provided in the 4th clause—that an Act of Parliament should be passed constituting all game in England the property of the occupier of the soil, and that offences against such property should not be exceptionally dealt with, but be treated in accordance with the rules and laws provided for the punishment of larceny. The Interpretation Clause included in the list of "game" one or two winged animals which were not included in previous lists. If, however, the House should think that it would be preferable to adhere to the old lists, he was willing to submit to that opinion. His Bill also proposed to introduce a clause taken from the Act 24 & 25 Vict., c. 96, giving to the police powers similar to those they now had under Sir Baldwin Leighton's Act, which he proposed to repeal. He also desired to introduce clauses for the purpose of improving the state of the law with regard to game agreements and licences to deal in game. He proposed that agreements respecting the right entering upon land for the purpose of killing game, being in writing, and for a less term than three years, should have the same force as if by deed; and as to licences to deal in game, he proposed to sweep away all present licences, and to substitute a £2 licence to buy or sell game, or eggs of game; and a £1 licence for the sale of game only. This was intended to reach a class of persons who were unaffected by the present licence—namely, game preservers who bought eggs, and thereby encouraged one of the worst kinds of poaching.

This Bill proposed to repeal several existing Acts, among them the whole of the Night Poaching Act and the greater portion of what he might term the General Game Act, the 1 & 2 Will. IV., c. 32, and certain Acts of less importance. He could understand that many objections might be urged against the Bill. It might, for instance, be said that matters were now in such a state that it was unadvisable to alter the law, and that under such circumstances the doctrine of *quieta non movere* was a very good rule in relation to legislation. But that things were in a satisfactory state, he was unwilling to admit; for while in 1859 there were 2,500 convictions for poaching, the number in 1869 was between 10,000 and 11,000; in other words, four times as many people were in the latter year launched upon a career of crime than during the earlier period. Again, it was said that an alteration of the law would not affect the public opinion as a question of morality, and that to alter the game law would never make the poaching class regard poaching as an immoral act. But, in his opinion, the moral sense of the people was very much affected by the sense of the justice or injustice of a law, and that they were much more likely to consider an act immoral if it were made a crime punishable by the ordinary law. There was an instance of this in the laws against simony. There could, for instance, be but little moral difference between the purchasing the right to the presentation to a living on a Monday or a Wednesday in any given week, and yet if the incumbent happened to have died on the Tuesday the purchase on the Wednesday would constitute the offence of simony. But livings were bought and sold every day in the week without any public sense of immorality. Again, although the offence of smuggling was one on which he feared there was no very keen sense of morality, offences against the Revenue laws would be regarded as praiseworthy rather than otherwise by a large portion of the community if holders of £100 worth of land or any privileged class were permitted, to the exclusion of their neighbours, to pass goods free of duty through the Custom House. As it now stood, the law permitted to certain persons that which in others was held to be a crime, and the crime consisted not in dishonesty but in interfering with the

amusements of a class not punished. This distinction he desired to abolish, and by rendering game property, to punish those who deprived the rightful owners of the possession, as for any other act of dishonesty. By so doing, he believed Parliament would be doing a great deal to establish a healthy tone of morality among those whom he might term the poaching class of the community, and on the understanding that it was to be referred to a Select Committee, he trusted that the House would assent to the second reading. The hon. Member concluded by moving the second reading.

Mr. STRAIGHT said, he had placed his name on the back of the Bill, and now rose to second it on the understanding that it was to be referred, with other measures dealing with the same subject, to a Select Committee. If things continued as they now were, it was not unlikely that each succeeding Session would witness the introduction of some 15 or 20 Game Bills, and the time had now, he believed, arrived for the reference of the whole question to a Select Committee, with a view to the framing of a measure which would deal intelligibly and satisfactorily with the entire subject. The interests of the landlords had to be guarded on the one hand, and the interests of tenants on the other. Probably, in the course of this debate the hon. Member for South Norfolk (Mr. C. S. Read) would give the House the tenant's view of the question, and other hon. Members might state how it was regarded from a landlord's aspect. But there were others who still felt an interest in this subject, who neither owned land nor held it. Fortunately for himself, he was one of these. He said fortunately, because in prospect of that distribution of property which was contemplated by the hon. Baronet the Member for Chelsea (Sir Charles Dilke), he did not run any danger of what belonged to him being divided among the general body of the community. With regard to the Bill now under consideration, the only principle to which he gave his allegiance was the principle that the game upon the land should be the property of the occupier, and that principle he believed was generally accepted as the only reasonable solution of the difficulties that beset this question. Its adoption

would, he thought, do much to simplify the relations existing between landlord and tenant, and tend to settle the law which the conflicting decisions of our different Courts on the Act of William IV. had rendered eminently unsatisfactory. Objections might be taken to the Interpretation Clause of the Bill; and to put rooks in the category of game seemed rather extraordinary. They might almost as well include sparrows and cock-robin. It had been held, and was established by legal decisions, that the right of sporting did not cover the right to kill rabbits; and he thought there ought to be some statutable enactment clearing up that point. With reference to the 4th clause, that of course could not stand in its present shape for a moment. It could not for an instant be tolerated that two justices in petty sessions should have the power summarily to send a man to the House of Correction, with hard labour, for two years. This was Draconian legislation with a vengeance, and he was at a loss to understand what the person who drafted the Bill could have been thinking about in putting forward such a proposition. What he wished to see was that the romantic atmosphere which was permitted to hang around the offence of poaching should be put an end to, and that when a poacher killed game, and appropriated it to his own use, he should be liable to the same punishment as the man who stole a handkerchief from a man's pocket.

Motion made, and Question proposed. "That the Bill be now read a second time."—(Mr. Hardcastle.)

MR. WEST said, he so strongly objected to the 4th clause, empowering justices of the peace, without the intervention of a jury, to send men to prison for two years for the breach of a new law, that if any hon. Member moved the rejection of the second reading, he would vote with him. He was one of those old-fashioned politicians who thought the liberty of the subject was worth something; and he was not willing, for the sake of preserving game, to increase the power of magistrates to send persons to prison for long periods. After large experience, he believed the administration of justice by unpaid magistrates was admirably performed, and he wished to see country gentlemen continue to

administer justice in their particular localities; but the least satisfactory part of their functions was that which related to the hearing of cases under the Game Laws; and he was inclined to curtail, rather than to extend their jurisdiction over such cases. He did not think they generally acted with any unfairness; but there was an impression abroad that they were prejudiced in favour of game preservers and against poachers, and it was a great evil that they should be thus suspected. The 5th clause of that Bill also appeared to be a monstrous one, authorizing as it did any constable to take into custody, without warrant, any person found loitering in any highway or other place in the night-time, whom he may suspect to have committed, or of being about to commit, any offence against that Act.

SIR HENRY SELWIN-IBBETSON said, he thought that during last Session it was generally understood that the Home Secretary was prepared to refer these Game Bills to a Select Committee, and what the right hon. Gentleman stated the other day strengthened the belief that he was prepared to support any Member who proposed to deal with the subject in that manner. It was most desirable that the question should be carefully examined, and that some measure to remedy any real grievance should be passed into a law. He did not believe that the evil was of the magnitude which had been represented, nor did he believe that farmers, as a whole, were anxious to get rid of game; but he did think there were many points in which the farmers had a real grievance, which might be removed by an amendment of the Game Laws. Various modes of treating the subject had been suggested, and he thought where so many different opinions existed the best way of arriving at a solution of the question would be to refer the whole subject to a Select Committee. He did not suppose that such a step would meet the views of the hon. Member for Leicester (Mr. P. A. Taylor). The hon. Member wished to sweep away the Game Laws altogether; but in other countries where that course had been followed experience had not justified its adoption. In Prussia, in 1848, the Game Laws were abolished; but that change greatly encouraged poaching, gave rise to many abuses, and threatened in a short period to exterminate

nate game altogether; and therefore, in the interests of public order, as well as to preserve a valuable article of food, a Game Law had to be re-enacted in that country in 1850. He was himself opposed to the total abolition of our Game Laws, and, on the other hand, he thought the present proposal to turn game into property was contrary to the feelings of the day. Some of the provisions of the Bill were very stringent, and might subject any person who picked up a dead wood-pigeon on the highway, or any boy who had been bird-nesting and had eggs in his possession, to a long period of imprisonment. He thought the Bill might with advantage be referred, in conjunction with others of a cognate character, to a Select Committee, and therefore he should not oppose the second reading of the Bill.

MR. M'LAGAN said, that the object of all the Game Acts was to preserve some wild animals or birds, or at all events to encourage their preservation and increase. Within the last four or five years Acts had been passed with that object; but their provisions had been so severe, attaining the climax in the Poaching Act of 1862, that public opinion demanded their relaxation, and all Bills since 1865, with the single exception of this Bill, had been introduced for that purpose. He regretted very much that this Bill should have been introduced, and he quite agreed with the hon. Baronet opposite (Sir Henry Selwin-Ibbetson) that those who were responsible for its introduction could not have been aware of the effect it would have if it became law, and that some of the clauses must have been introduced without the framers of the Bill knowing anything of the matter with which they were dealing. For example, taking the 4th clause in connection with the Interpretation Clause, they found that the farmers of England would be put into a far worse position than they were in at present. For by the Interpretation Clause wood-pigeons and rooks were to be henceforward considered game; and that rabbits, which were now practically excluded from the Game Acts, so far as the farmers were concerned, were also henceforward to be considered game. Now, that was in direct variance with the wishes of the farmers of the country generally; in direct variance with the wishes of those associations which had been got up for destroying

Sir Henry Selwin-Ibbetson

those very animals which Parliament was called upon by this Bill to protect, and which did nothing but destroy the crops of the farmer; and in direct variance with the best interests of agriculture. Let them consider for an instant what the law now was as regarded rabbits in connection with farmers, and they would see what this Bill would effect. It was well known that rabbits were practically excluded from the Game Act as regarded the agricultural tenant; but taking the provision excluding rabbits in connection with what the law said about hares, they found that the advantage to the farmer was more nominal than real. An example of this had occurred lately in Scotland. In Scotland it should be remembered the tenant had by law the right to destroy the rabbits on his ground, unless forbidden by his lease. In the case he referred to a farmer in Stirlingshire directed his son to set snares for the purpose of destroying the rabbits which came upon his turnips from a neighbouring plantation. The boy was seen by a gamekeeper and watched. Next morning by some accident a young hare was found snared—he said "by accident" because he would not say that the keeper put it there, but there was a suspicion. The boy was pounced upon and prosecuted by the Excise for having game in his possession. The Justices held themselves bound to convict, and inflicted a mitigated penalty of £5; but believing the lad to be innocent, they recommended the Commissioners to reduce the penalty to 5s. The Commissioners, however, would reduce it to £2 only, and the father paid that sum rather than his son should be exposed to the contamination of a prison. Here, he thought, was an opportunity for the well-known generosity of the Chancellor of the Exchequer to carry out the recommendation of the Justices by returning the difference. Now, the opponents of the Game Laws might say that the landlords would have the blame of a state of things under which a farmer's son, acting under the directions of his father, would have been thrown into a felon's gaol for setting a snare to catch a rabbit. But he (Mr. M'lagan) said the blame did not rest upon the landlords but upon the House of Commons who retained such a law upon the statute book. But then he wanted to ask, would this Bill remedy the evil? On the con-

trary, it would aggravate the evil. Any-one walking the highway, and picking up a dead or a lame wood-pigeon might, if he only had it in his hand, subject himself to pay a penalty of £20, or to be incarcerated for two years, at the hands of two Justices of the Peace. Surely his hon. Friend the Member for Bury St. Edmunds (Mr. Hardcastle) was not in earnest in pressing this Bill upon their attention. He further objected to the Bill that it gave most extraordinary powers to the Justices. His own opinion was that the Justices should have nothing whatever to do with the administration of the Game Laws; and he trusted that if the question generally should be referred to a Committee, the deliberations of that body might tend to this result. In his opinion, all jurisdiction with respect to the Game Laws should be removed from the Justices, and placed in the hands of some officers of the Government. He said this not from any want of confidence in the Justices of the Peace throughout the country, but for their own sakes—because he knew there were very many Justices who would rather have nothing to do with the matter. In supporting the suggestion of the hon. Baronet opposite (Sir Henry Selwin-Ibbetson) to refer this Bill, with the other Bills on the same subject, to a Select Committee, he should like to make a few remarks, because he felt that some hon. Members must have somewhat misled their constituents during the Recess about this Committee. He was disappointed to find the Home Secretary saying that the Government did not intend to propose a Select Committee this year. He was rather surprised at this statement, for last year, in answer to a Question, the right hon. Gentleman said that

"At that period of the Session" (that was, the month of June) "and especially if the Motion for the appointment of a Select Committee was to be much further postponed, it would be impossible to have an adequate inquiry on the subject, and therefore he proposed to withdraw the Government measure, at the same time undertaking to move for the appointment of a Select Committee on the subject next Session."—[3 *Hansard*, ccvi. 1930.]

On that understanding, he had himself somewhat misled his constituents on the subject. He had not intended to introduce his own Game Bill until the last moment. It was the same Bill that he brought in last year, and he had intro-

duced it now simply with a view of its being referred to a Select Committee. He should have made some alterations in the Bill had it not been for that circumstance. He should have much pleasure in seconding the Motion of the hon. Baronet opposite (Sir Henry Selwin-Ibbetson). If the hon. Baronet had not made that Motion, he could not have supported the second reading of this Bill, as it was contrary to the principles contained in all the Bills he had himself introduced. In his opinion, the solution of the question would be arrived at in referring all the Bills on the subject of the Game Laws to a Select Committee.

MR. C. S. READ said, he felt himself in a great strait and sore perplexity. He understood that, according to the Rules of the House, when a Bill was read a second time its principle was acknowledged. Now, he could not support the principle of this Bill. On the other hand, he understood that the mode now proposed was the only opportunity of considering the Game Laws, and therefore he was compelled to support the Motion for referring the Bill to a Select Committee. He should have preferred the sending of the Bill to the Committee after the first reading, but understood that such a course could not be adopted. He could not conceive what grievance the Bill was intended to remedy, or on what principle it was framed, except this—that the hon. Member who had introduced it (Mr. Hardcastle) imagined that poachers had that fine sense of what was moral and right that they could draw a distinction between a misdemeanour and a felony. Now, he did not believe that such abstruse calculations ever entered their minds. He considered this a retrograde measure, and that it would render the Game Laws a great deal more harsh and tyrannical than they were at present. Instead of being a remedy for the grievances of the farmers it would add to them. He complained that, while it protected such wretched pests of the farmer as wood-pigeons, and so crafty and subtle a bird as the rook, it threw no shield over that excellent animal, which afforded more sport than any other—the fox; for a man might now go into another person's land and dig out a litter of cubs, and unless he did some substantial damage the owner of the land could have no remedy against him. This Bill professed

to make game the property of the tenant. But in England it was so by the common law of the land. What the farmers complained of as tillers of the soil was the over-preservation of hares and rabbits. As representing the tenant-farmers of Norfolk he knew that to be a great grievance. They did not ask for the total abolition of the Game Laws, and said nothing against winged game. The Aberdeenshire Game Conference reported that out of 3,817 returns which had been made on the subject 3,202 farmers complained of the damage done by hares or rabbits, and estimated their loss at £20,000, and there were only two persons in the whole of that number who specially complained of the damage done by grouse, which only amounted to a few pounds. One of the greatest evils of the present Game Laws was the damage done to the crops of the farmers by the neighbouring preserves, and in his own case, although he had no rabbits, he had put a quantity of wire netting on the outside of his farm to preserve his crops from damage. If they were going to make game property, they must attach to it the same amount of responsibility that attached to fowls and tame pigeons. Although a person could not shoot his neighbour's fowls or pigeons, he could bring an action for damages caused by them. In any Game Bill persons ought to be at liberty to bring an action against neighbouring owners whose game was injurious to their crops. This measure said—"If you could catch these animals at night you may make them your property;" but they might just as well say—"If you can catch a thief you may," for it was much easier to catch a thief at night than a rabbit. According to this Bill, if a man happened to shoot a bird on his own land, and it should fall outside his boundary, and he should pick it up, he would be liable to two years' imprisonment. There was nothing, however, to prevent a man from trespassing on his neighbour's land, and shooting as much game as he liked, if he did not handle it; or prevent him going into a turnip field, and causing all the partridges there to fly to his own ground. He regarded the measure as a perfect monstrosity; and, although he was desirous that the question of making game property should be referred with the other proposals on that subject to a Select Committee, yet he protested

against the second reading of this Bill. He would not move the rejection of the Bill; but if any hon. Member thought proper to do so, he should be compelled to vote for that Amendment.

MR. CARNEGIE said, there were two things upon which the House seemed pretty well agreed. One was, that it was desirable that the question of the preservation of game should be considered by a Select Committee, and the other was that this was a very bad Bill. He thought, therefore, that instead of reading this Bill a second time for the purpose of sending it to a Committee, it would be a far better thing to appoint a Committee without reading any of the Bills. He would move his Amendment to that effect.

COLONEL BRISE, in seconding the Amendment, said, he firmly believed that the more this question was discussed the stronger the feeling of the country would be that there was little, if any, necessity for legislation upon it at all. The evils which it was sought to remedy were such as would be best remedied by other means than by legislation. There had been, it was true, some agitation; but through the establishment of chambers of agriculture, and the free discussion of the question, men's minds had become better informed, and that agitation had dropped. This Bill was objectionable, among other reasons, because it was very liable to be misunderstood. Doubtless an evil existed that should be remedied; but he also believed that evil to be exceptional. In many cases, perhaps, the landlords were not sufficiently thoughtful of the interests of their own tenants; but their remissness brought with it its own punishment. The proper remedy for the present state of things, and that which was alone suggested by the tenants in a case in which he was himself concerned, was to permit the tenants to shoot rabbits and hares on the land they occupied under certain restrictions. A Return had been placed in the hands of hon. Members showing the number of convictions in 1870 under the Game Laws, and an examination of that document showed that convictions under those laws were more frequent in half-preserved than in highly-preserved counties. Thus, in Norfolk, which was a strictly preserved county, the convictions under the Game Laws for that year were only 200, whereas in Essex, which

was a half-preserved county, the number was 300. He should support the Amendment of the hon. Gentleman opposite, because he believed that if the whole subject of the Game Laws could be referred to a Select Committee, they would ascertain whether a remedy for the existing evils resulting from the present state of the law could be found without having recourse to legislation. He thought the more that public opinion was educated upon this point, the better.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to consider the Game Laws of the United Kingdom, with a view to their amendment,"—(Mr. Carnegie,) —instead thereof.

MR. MUNTZ said, he regretted that the forms of the House prevented him from moving the Amendment of which he had given Notice, but was, at the same time, glad that the House was not going to be asked to approve the principle of the Bill now under discussion, which was opposed to the British Constitution. The attempt to make game property could not result in a practicable measure. Under the common law the right to the game on the land vested in the tenant; but usually an agreement was entered into between the landlord and tenant, when the lease, or agreement for tenancy, was made, that the right of shooting should be reserved to the landlord. But how could it be possible to give a right of property in the game itself? Supposing a pheasant was perched on a boundary fence, to whom could it be said to belong, and would it not be rather hard to give a man two years' imprisonment for appropriating it under such circumstances? He was delighted to hear the speech of the hon. Member for South Norfolk (Mr. Read), who, when he did speak, generally said something worth listening to—and the hon. Gentleman had now exposed the absurdity of the Bill. But the question of the Game Laws was one which ought to be settled once for all, although he admitted that it was a difficult one to determine. In looking at the loss sustained by the tenant, it must be recollected that the damage was not always occasioned by game belonging to the landlord, but was very frequently caused by that which came from the land

of a neighbouring proprietor. It was almost impossible to keep game out by wire netting, and a landowner putting up such a dangerous obstruction to hunting was likely to be detested by his neighbours. Under these circumstances, he was prepared to support the Amendment.

MR. BERESFORD HOPE said, that as a game preserver on a reasonable scale who was personally no sportsman, he looked upon this question from a common-sense point of view. He was an enemy to over-preserving, and especially to the pestilent vermin known as ground game. One great weakness in the Bill was its confounding animals which were comparatively *se re naturæ*, such as grouse and partridges, with pheasants, which were raised as artificially as were turkeys, ducks, and geese. Now, his own game was chiefly pheasants, and as a pheasant preserver he wished to regard this Bill. That particular kind of game was one of artificial creation; they were reared with great care and expense; while a man had as much right to rear pheasants and kill them for his table as he had to rear and kill turkeys and geese. Holding this view, he regarded the propositions put forward in the 4th clause as an attempt to confiscate the property of the pheasant breeder. The hon. Member for Bury St. Edmunds seemed to labour under the delusion that the neighbour of every man who preserved must be his own tenant. It never occurred to him that the next bit of land might be in the hands of somebody with whom he had absolutely no relations. Pheasants were worth so much money, and there was no more mean and dastardly system of poaching than that by which a man enticed his neighbour's pheasants on to his land by feeding them. He was himself aware of an instance in which a person possessing a small piece of land adjoining the property of an extensive pheasant breeder had offered to let the shooting upon it to the latter at a price the largeness of which he justified by charging to his own preserving those pheasants bred by his neighbour, which had somehow strayed into his fields. If the Select Committee to whom it was proposed to refer this subject were merely to draw a distinction between game *se re naturæ* and artificial game, they would do much to throw light upon the question and in paving the ground for a settlement of the

matter. The Bill contained one excellent provision restraining the traffic in pheasants' eggs, which was a mere branch of poaching, at which unscrupulous preservers were given to connive, although it was an easy matter for each breeder to raise his own pheasants' eggs. The hon. Member for South Norfolk (Mr. Read) threw in a word for the foxes; but in so doing he was inconsistent, for foxes, like all other living creatures, must be fed in some way or other; and where ground game was scarce, as the hon. Member desired it might become, the foxes would have nothing to feed upon but fowls and geese—the result of which would be that public opinion would weigh with the landowner, in the interest of his tenants, to destroy these animals. In the part of England where he usually resided this was already the case. The large woods of the weald forbade hunting, while landlord and tenant joined in exterminating hares and rabbits as the enemies alike of the underwood and the hopbine. Accordingly foxes were looked upon as merely mischievous vermin, and slain without mercy. The question of the Game Laws had hitherto floated in the nebulous regions of declamation and clap-trap; but, in his opinion, if the whole matter were referred to a Select Committee, as had been proposed by the hon. Member opposite, the death warrant of ground game would be signed, while the other hacknied grievances of the Game Laws would shrivel into the real insignificance, out of which they had been lifted by the clap-trap of ignorant agitators.

MR. BRUCE: The practical question now before the House is whether the whole subject of the Game Laws shall be considered by a Select Committee, or whether this and other Bills on the same subject, either already introduced or about to be introduced, shall be referred to a Select Committee. The advantage which would be secured by adopting the first of these alternatives would be that the whole subject of the Game Laws would undergo a comprehensive examination, unlimited in its scope; but the disadvantage it would entail would be that legislation with reference to the question would be delayed, probably for two or three Sessions to come. There will be these advantages obtained by referring the Bill and

the other Bills either now before the House or about to be introduced to a Select Committee, that by so doing the propositions of practical men would be fairly considered, while legislation founded on the Report of such a Committee might be possible either during the present, or at any rate the ensuing Session. I was inclined at first, influenced by the belief that there was a strong desire on the part of hon. Members on both sides of the House that the question should be settled as speedily as possible, to waive my objections to the principles of this Bill in order that it might be referred to a Select Committee; but I now understand that there is so irreconcileable an objection on the part of the agricultural and other hon. Members of this House to assent to the principle of the Bill under any plea whatever, that I now feel myself obliged to take refuge in the Amendment proposed by the hon. Member for Forfarshire (Mr. Carnegie) to refer the whole subject to a Select Committee. The offence of poaching consists of two elements—trespassing and the pursuit of game; neither of which constitutes an offence in itself, and it is difficult to impress upon the mind of the general public that a combination of two elements, neither of which in itself is an offence, could constitute a crime which ought to be punished by severe penalties. The hon. Member (Mr. Hardeastle) proposes by this Bill to make game property, and to protect such property by subjecting those stealing it to severe punishment; but the objections which may be raised against that proposition are many. All ground game, and even that class of winged game referred to by the hon. Member for Cambridge University (Mr. Beresford Hope), are very erratic in their movements, and a change of wind or a fall of snow may send them from one side of a valley to the other. Another proposition which has been strongly objected to by some hon. Members, but which, I think, may very properly be referred to the Select Committee, is, that the owners of property should be held responsible for the damage occasioned by game proceeding from their land. This point, no doubt, is one of considerable difficulty; but it is a hopeful fact in considering this matter that we have on both sides of the House numbers of hon. Members who are resolute to find

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a solution to the problem. Under these circumstances, therefore, however reluctant I may be to support any proposition which may appear calculated to delay a settlement of this question, still, looking at the general feeling of the House with reference to the principle of this Bill, I cannot but acknowledge that the proposition of the hon. Member for Forfarshire to refer the whole subject of the Game Laws to a Select Committee is the best and the wisest that can be adopted by the House.

LORD HENRY SCOTT said, he had hoped they should have had a solution of this question during the present Session; but seeing from the tone of the House with respect to the Bill that that was scarcely possible, he thought the only alternative was to take refuge in the proposition of the hon. Member for Forfarshire.

MR. HARDCASTLE was disposed, after the discussion which had arisen, to withdraw the Bill, for the terms of which he, not being a lawyer, was not responsible, on the understanding that the whole subject would be referred to a Select Committee.

MR. COLLINS said, he thought the hon. Member had come to a wise conclusion in agreeing to withdraw his Bill in order that an inquiry into the whole subject might be entered into, which would doubtless result in an effectual Game Bill being passed in some future Session. He objected to the doctrine that the House ought to give a sort of provisional assent to the second reading of Bills, to the principle of which there was an objection, in order that they might be sent before a Select Committee; neither did he think it wise that not only Bills actually before the House, but those about to be introduced, of the nature and principles of which the House was in perfect ignorance, should be referred to Select Committees. Something was due to the House from even private Members, and he thought they ought to be held responsible for the principle of measures to which their names were attached. It was true the hon. Member for Bury St. Edmund's (Mr. Hardeastle) had excused himself from responsibility in reference to the present Bill, on the ground that he was no lawyer; but the hon. and learned Member for Shrewsbury (Mr. Straight) whose name also appeared on the back

of the Bill, had no such excuse to offer for introducing a measure which was intended to place poaching on a worse footing than theft. It was important that the unpaid magistrates should retain the respect of their neighbours. He objected, therefore, to give them such "Algerine" powers—which he believed was the phrase in vogue this Session—as that of inflicting two years' imprisonment. The promoters of Bills on this subject appeared to act in concert with the view of getting them all through a second reading, and then referred to a Select Committee, wishing, doubtless, that that measure of success should become known to their respective constituencies. This ambition he should not object to gratify were it not counter to the public interest. He was anxious for a solution of the question, and was almost ready to insist that persons preserving rabbits should be obliged to fence them in, it being evidently unfair to cast on neighbouring small proprietors the expense of protecting themselves against the nuisance. Everybody would agree to this if a person chose to keep lions or wolves, and why not in the case of rabbits, which in some parts of his county were as much a pest as the locusts of Egypt? He trusted that the Select Committee would devise a means of removing the graver evils connected with the Game Laws.

MR. DICKINSON said, that he did not think a General Committee on the whole subject would lead to delay, for the facts were all well ascertained. He hoped that the Committee would represent all the different views entertained on the subject. He objected to Parliament interfering to alter the present contracts between landlords and tenants. All that was wanted was that contracts should be carried out in spirit and not only in letter. A lease ought not to be liable to forfeiture because a tenant had not carried out its terms strictly and to the letter in the matter of game. Now, in Scotch leases there was often a covenant that if the tenant interfered with the game he should forfeit his lease.

MR. FELL said, he anticipated considerable delay and very little information from a reference of the subject to a Select Committee. But the withdrawal of the Bill had removed a great difficulty from his mind, because it was framed in

favour of game preserving, and not in favour of those who wished to see the laws amended for the general benefit of the public. He wished to see hares and rabbits struck out of the game list altogether, but not at the expense of a severer law of trespass being enacted, which would probably excite a more bitter and perhaps more reasonable feeling than the existing laws. Keeping hares and rabbits in the list of game was incompatible with the present state of society; but when hares and rabbits were effectually enclosed by a wall, like deer, they should be protected the same as general farm stock. After the hare and the rabbit had been struck out of the game list, they must still look to the landlord and tenant as one person, and Parliament must leave them to make such terms between themselves as they thought best for the protection or otherwise of these animals and winged game. As to compensation, the direct damage caused by game might, perhaps, be ascertained; but it would be impossible to estimate the indirect and more serious damage inflicted, not merely on the tenant, but on the community, for the prevalence of game prevented him from raising certain crops which were essential to the improvement of agriculture. Public opinion was operating against over-preservation, but murders and other crimes connected with the Game Laws were looked upon by numbers of people as less serious than crimes committed under other circumstances, and the capital punishment was seldom enforced in these cases. He thought a measure such as could be entertained by the House should be introduced, and that it should then be referred to a Committee.

MR. ANDERSON said, he concurred in the opinion that the House would act wisely in agreeing to refer the whole question of the Game Laws to a Select Committee, instead of merely dealing with the subject by the Bills before it. There were many points connected with the Game Laws that were not included in the Bills, which would be included in a reference to a Committee, and he presumed that would necessarily be excluded from its deliberation. The hon. Member for South Norfolk (Mr. Read) had pointed out the inconsistency of including that crafty animal the rook, and at the same time excluding the still more crafty animal the fox. If he re-

membered rightly, in his last Bill his hon. Friend the Member for Bury (Mr. Hardcastle) included the fox, and left out the rook, and it would seem as if the more crafty animal of the two had succeeded in inducing him to make the alteration. The hon. and learned Member for Shrewsbury (Mr. Straight), in speaking of the anomalies of game legislation which deserved the attention of the Committee upstairs, pointed out the anomaly that the enormity of an offence under the Game Laws should be measured by the time of day at which the offence happened to be committed. He (Mr. Anderson) could not conceive anything more preposterous. As well might the punishment for the crime of murder depend on whether it was committed in the day-time or at night. It was absurd for the pursuit of game in the night to be put in a different class of offences from the pursuit of game by day-light, and he hoped the question would receive proper attention from the Select Committee. Another point required attention. It frequently happened that the tenants of an estate were invited by their landlord to "tenant's battues." Now, as the landlords very well knew the great majority of tenants did not hold game licences—and would be thought guilty of high treason if they did—on these occasions the landlords invited them to a violation of the Game Laws, and looked on complacently while it was done. This was an anomaly which, in deference to the Chancellor of the Exchequer, ought to be removed.

SIR HENRY SELWIN-IBBETSON said, he had never known game killed in battues by tenant farmers without licences. His reason for wishing that all the Bills should be referred to a Select Committee was because he thought this would expedite a solution of the question.

MR. BROMLEY-DAVENPORT deprecated a severe law of trespass. He allowed his tenants to kill rabbits all the year round, and believed that were this the general practice there would be no complaint.

MR. R. W. DUFF concurred with the hon. Gentleman opposite as to permission to kill rabbits, and could confirm the testimony of the hon. Baronet as to battues. In Scotland there was less complaint than formerly as to game, public opinion having induced landlords to

make concessions; but he understood that in England the right of preserving game was still abused in some cases.

Question, "That the words proposed to be left out stand part of the Question," put, and negatived.

Words added.

Main Question, as amended, put, and agreed to.

Select Committee appointed, "to consider the Game Laws of the United Kingdom, with a view to their amendment."

MARRIAGE WITH A DECEASED WIFE'S
SISTER BILL.—[BILL 14.]

(*Mr. Thomas Chambers, Mr. Morley.*)
SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Thomas Chambers.*)

MR. J. G. TALBOT, in moving that the Bill be read a second time that day six months, said, he supposed from the proceeding that had just taken place, that the hon. and learned Gentleman had no new arguments to produce in favour of the Bill, of which he had just moved the second reading in silence. The history of the Bill was somewhat remarkable. Up to the year 1866, the Bill had been uniformly rejected. In 1869, the second reading was carried by a majority of 99; but since that time the majorities in favour of the measure had been uniformly diminishing; in 1870 the majority was 70; and in 1871 the majority dwindled to 41. Therefore he thought he was justified in saying that though the feeling of the present Parliament was more favourable than that of the previous Parliament to the Bill, yet that feeling was diminishing, and that its opponents were justified in resisting the passing of it. We were told sometimes that we ought to be encouraged by what had occurred in other countries, and especially in the United States of America, in which the population was akin to ourselves, these marriages were legal. He did not think the example of the United States should encourage us on this subject. That was the only civilized country in the world in a portion of which the question of polygamy had been distinctly raised. In one of the States of that country the Government

had actually to take strong and stringent measures against what he supposed was repugnant to the feelings of every hon. Gentleman in that House. But was it probable that if this Bill were passed we could stop here? In Protestant Germany, where these marriages were allowed, uncles and nieces, and aunts and nephews, were allowed to intermarry. That was the case also in Holland and Denmark. The question had already been referred to in this House by the hon. Member for the University of Cambridge (Mr. Beresford Hope) who, in 1870, asked if these marriages were allowed the restrictions should not be removed between other degrees now forbidden. He thought that was a strong reason for the House to pause before passing a measure of this revolutionary character. There were two grounds on which this Bill was pressed on the attention of the House, and two grounds on which it was opposed—namely, a religious and a moral ground. It had been said that the opponents of the Bill had abandoned the religious ground. He entirely denied that they had abandoned the religious ground. He was not going to discuss that passage of Leviticus upon which it was difficult to comment; but there was a view of the religious question which he should like to put before the House, and on which he would venture to quote the words of the Bishop of Peterborough. That right rev. Prelate said in the House of Lords, in May, 1870—

"There is another Scriptural argument on which I do lay some stress. I allude to the words of Him whom we all acknowledge to be the Supreme Lawgiver, who, while He in some degree set aside the Levitical enactments, affirmed the broad principle on which they were based. He did lay down distinctly the principle that when a man marries a woman the twain are 'one flesh.' From that I deduce the principle of the law forbidding marriages of affinity—namely, the principle that the relations of the wife are the relations of the husband, and that the relations of the husband are the relations of the wife; a man cannot, therefore, marry a relation of his wife in the same degree as that in which he is forbidden to marry his relation in blood. This, indeed, appears to be a definite and distinct principle on which we can found our legislation. It has a finality. If you do not maintain this principle, you put another and an opposite one in its place—namely, the principle that the relations of the wife are no relations of the husband. Well, supposing you do this, you must, if you wish to be consistent, go on and abolish the whole of the prohibited degrees of affinity."—[3 Hansard, col. 930.]

On that principle he (Mr. J. Talbot) called upon the House to reject this Bill. But he would ask them to consider the question in reference to its social aspects; and in that view he would take the liberty of quoting the words of Dr. Brown, a Presbyterian minister in Edinburgh, who, arguing on the meaning of the word "sister-in-law," said—

"What does the term mean? It means that, according to the law of the land, and, as I hope to demonstrate immediately, the law of God in his Word, when a man marries a woman having sisters, they become in that hour his sisters in effect—they enter his house and live on terms with him of a familiar intimacy and endearment, which were wholly improper and unjustifiable, save on the ground of the sisterly relation. But then, conversely, if a change in the law shall make it possible for him to marry one of them, then the whole legitimate ground of the intimacy and endearment has been swept away. The very idea, in fact, of sisters and brothers-in-law is abolished. A woman who may become a man's wife is not, and cannot be, his sister. He is not entitled to regard or treat her as such. She is not entitled to accept the familiar attentions of a brother at his hand. She has passed for ever out of the shelter and sacredness of the relation of a sister. I repeat, that the Marriage Affinity Bill once passed must revolutionize the entire home life of our country. And the rather, because there is scarce a relationship by affinity nearer than that of sister."

That seemed to him to put that aspect of the matter in a clear and convincing manner to anyone who had heard it. If they passed this measure for the sake of fancied grievances, they would introduce unfortunate disturbances into the intimate connection which now existed between the relations of wife and husband, and he thought the House would do well to pause before—in order to gratify the passions of a few—they introduced into the legislation of this country so revolutionary a principle. Happily, he might say, this was not a party question in the House, for the opponents of the Bill had the support of a considerable number of hon. Gentlemen opposite. They had the support of Gentlemen from Scotland, Presbyterians from whom they differed on many other questions. They had, he believed, the support of the Members from Ireland, with the exception of a few. He was told that the bulk of the Roman Catholic Members were against the Bill; but that a few Roman Catholics, led by Cardinal Cullen, would vote for it. But on what ground? Because they preferred to retain the dispensing power of

the Pope. They did not like marriage with a deceased wife's sister to be one forbidden by the law, but preferred that it should be one of those questions on which ecclesiastical decisions were to be taken. The House was sometimes told that this was a poor man's question. To show how monstrous was this assertion, he would quote the words of one from whom he differed on political matters, though he had long had the honour of his private friendship. The speech of the Lord Chancellor in the same debate to which he had already referred was one of the strongest against this measure. That noble and learned Lord said—

"I know something about the poor, and I am confident they will be the class least affected by the Bill. The poor marry early, and it is very seldom among the poor that the widower finds a sister of his wife unmarried. I am told that in the northern manufacturing districts, owing to accidents and the unhealthiness of employment, husbands die more rapidly than in the agricultural or ordinary town districts; and it may happen in these manufacturing districts in one case in a hundred that the wife may die while a sister is unmarried. But it is interesting to get at facts. Everybody has a right to make philanthropic statements, and no one likes to be cross-examined upon such statements. The first time I opposed this Bill 'elsewhere' a clergyman wrote to me saying, 'You have ventured to say that the poor do not desire this Bill. I know 20 or 30 cases in which widowers were ready to marry their deceased wives' sisters.' I replied that I would recant all I had said if he would state on his own authority that he was prepared to furnish names and addresses, so that I might inquire into the facts. I never heard anything more from him."—[*3 Hansard*, cc. 950.]

Again, the noble and learned Lord said—

"I inquired in my own neighbourhood, in two parishes containing 80,000 people and 40,000 poor, and, after employing a very active person to search, I could only hear of one such marriage. However, one of the newspapers which objected very strongly to my view, said that a City missionary, who had made inquiry in the same district, had found two more. So, after scouring the whole field, we found three such marriages among 40,000 poor."

He had quoted these words because they must have more weight than anything he could say. He trusted that it would be long before the House sent up this Bill to the House of Lords, sanctioned by such a majority as to give it any prospect of being passed into law.

SIR HENRY SELWIN-IBBETSON, in seconding the Amendment, said, the subject had been debated to the very end, both in its religious and social aspect, and that the House and the

country were weary of the discussion. It was not in its religious view, but in its social view, that the Bill had seriously alarmed him. The present proposal met a part, and a part only, of a very large subject. If the promoters of this Bill believed that a change in our marriage law was necessary, then, he said, they should have moved for the appointment of a Committee to consider the whole question of the marriage laws, who, while striving to remove the objections, would endeavour to see whether there were not other classes of relationships which came within the category of things to be amended. If these marriages were to be permitted, he did not see why marriages with the wife's nieces were to be precluded. The direct relationship was less; and, he believed, the inconvenience, in a social point of view, was less also. But he objected to this Bill on other grounds. He objected to it because it dealt retrospectively with the question. That House had never, or very unwillingly, sanctioned any attempt at retrospective legislation. He also objected to the Bill on the ground that those who were most intimately concerned with this question—the women of England—were almost unanimous in their opposition to it. The women were, or they ought to be, important witnesses in this question. There was a strong feeling in their minds of hatred against this Bill. It was not the wish or feeling of women that the present law of marriage should be altered. One of them had, in writing, expressed great surprise that any of her sex should approve of the Bill; and this might be taken as an indication of the unwillingness of our countrywomen to support this measure. The Bill was not a poor man's Bill—the Bill was promoted by a certain small number of people who, after having, for the gratification of their own passions, broken the law, now asked Parliament to condone their faults, by making the law to accord with their interpretation of it.

Amendment proposed to leave out the word ("now"), and at the end of the Question to add the words "upon this day six months."—(Mr. J. G. Talbot.)

MR. CLAY said, that three or four years ago he had occasion to attend a meeting of his constituents at Hull. The meeting consisted of the middle classes,

and many of the wives accompanied their husbands. He thought he would take that opportunity of ascertaining the views of the women on this question. Having explained the Bill to them, with which they were already well acquainted, he took a show of hands on the matter. 700 or 800 women were present, and all, with the exception of five or six—who were against the Bill—held up their hands in favour of the Bill.

MR. GILPIN said, that when the hon. Member opposite (Sir Henry Selwin-Ibbetson) said the Bill was promoted by men who wished to gratify their own passions, he slandered men at least as good as himself. He had very rarely met with a lady who had objected to this Bill. A distinguished Member of that House, who was now dead, had two sisters, one of whom was married to a man second to none in one of our provincial cities as to respectability and character. That lady had very poor health for a considerable length of time. Her younger sister came into the house for the purpose of acting as her nurse and bringing up her children. She conducted herself admirably during the life of the wife; and on her death-bed the wife requested the husband, in the event of his marrying again, to marry her sister. He did, after a considerable time, marry the sister of his deceased wife. At that time such a marriage, solemnized as it was in a country where such marriages were legal, was in accordance with the law of the country. But the hon. Member spoke of those who sought a change of the law as men who only desired the law to be so altered as to shelter them from the consequences of gratifying their passions in violation of the law. The Bill had been always favourably received by this House, and had been passed by considerable majorities. If the country were polled from end to end he believed a large majority would be found in its favour, and he trusted the Bill would soon become the law of the land. He did not suppose that those who had systematically opposed every reform would be found favourable to this change of the law; but the intellect and conscience of the country was in favour of the measure.

MR. BERESFORD HOPE said, he hoped their legislation would not be affected by the results of political experiments such as that with which the hon.

Member for Hull (Mr. Clay) had diverted himself. That hon. Member went down to meet his constituents, and, as a matter of course, the leaders in his borough whistled up his supporters to meet their Member. Women were not electors at Hull, but women ruled those who were at Hull, as elsewhere, and women were brought together to hear the speech of so distinguished a Gentleman, and of course were told to keep cheering the Member. The holding of the meeting was a species of canvassing. The House knew how agreeable the hon. Member for Hull was, and the women of Hull, who were brought to cheer so amiable a Member and to pat him on the back, were there for the single object of giving him encouragement with reference to the next election. When he asked them what he was complimentary enough to call their opinions about this Bill, probably not eight of them had ever thought of the question. It was as now to them as the solution of the asses' bridge in *Euclid*. Of course they held up their hands for the side they were told to back, and that greatly gratified the hon. Member; but that he should now come down to the House to dwell upon such rubbish passed comprehension. As to the hon. Member for Northampton (Mr. Gilpin), who had no kind of fear of denouncing his hon. Friend the Member for Essex (Sir Henry Selwin-Ibbetson) as a slanderer, because he asserted that people who were promoting this Bill were persons who had transgressed the law—

MR. GILPIN: I complained of the hon. Member because he said that those who were moving in this question were those who desired the law to be altered in order to cover the indulgence of their guilty passions.

MR. BERESFORD HOPE said, there was no great discrepancy between the two statements; but he dared the hon. Gentleman to get up and say the promoters of this movement were not notoriously men who, having done this, wished to get condonation.

MR. GILPIN: I am one of the promoters, and I never did anything of the sort.

MR. BERESFORD HOPE said, the reason why the Marriage Reform Association was anonymous was, that it would not do to publish the names of all who were promoting the Bill. It had

been dared for more than a score of years to publish the name of any one of its members; but the world never could get beyond a secretary, who labelled himself M.A. In the meanwhile the identity of the principal promoters of the change was a matter of undisguised and uncontradicted private conversation. His hon. Friend opposite (Mr. Gilpin) had said that the Bill had always passed this House, or, at all events, that it had been only once rejected. But the fact was, it had been four times thrown out of this House, and had three times broken down before it reached the Lords. It went up to the Lords once and was withdrawn: it was rejected in that House twice in 1858 and 1859, and again in 1870 and 1871. In the 11 years between 1859 and 1870 it was three times rejected by the House of Commons. The Bill was first introduced to the House in 1842 by one long since departed—a man who might be said to have made only one mistake, and that was in this matter—he meant the late Earl of Ellesmere. It was rejected on the first stage by 123 to 100. It was brought in again in 1849, when it was read a second time by 177 to 143, but it founder'd in Committee. In 1850 the Bill was read a second time by 182 to 170, a greatly diminishing majority, and was withdrawn after a division in Committee. In 1858 it passed a second reading in this House by 176 to 134, and in 1859 by 135 to 77. In 1861 the second reading was lost by 177 to 172; in 1862 the second reading was carried by 144 to 123, but the Bill was lost on the Motion that the Speaker do leave the Chair by 148 to 116. In 1866 the second reading was lost by 174 to 154. It was carried in 1869 by 243 to 144, but dropped in this House. In 1870 the Motion that the Speaker do leave the Chair was carried by 184 to 114, but the Bill was thrown out in the Lords by 77 to 74, and in 1871 the second reading in the Commons was passed by 125 to 84, or only 41 majority.

Well, what happened on the rejection of the Bill last year by the House of Lords by a signal majority? The hon. and learned Member (Mr. T. Chambers) summoned a meeting by advertisement in the public papers in the following terms, which, it should be observed, were words deliberately drawn up and published, not hastily uttered in the heat of debate:—

Mr. Beresford Hope

"An indignation meeting will be held in St. James's Hall, on Tuesday, April 4, 1872, to protest against the unconstitutional policy of the Lords in rejecting Bills repeatedly passed by the Commons, and to demand the immediate removal of the Bishops from the House of Lords. The chair will be taken by Thomas Chambers, Q.C., M.P., at 8 o'clock p.m."

That meeting came off; there was no more distinguished person present at it than the Common Serjeant, and it terminated in a disgraceful and scandalous riot. The hon. and learned Gentleman meant to denounce from the chair of the meeting the Bishops and the Lords, for having rejected the Bill; and he found a Sergeant-at-Law to put down his name for a Motion in this House of an unconstitutional character—the same hon. Gentleman who, the other night, was the only lawyer who defended the Ministry for a recent judicial appointment. In the face of conduct of that nature, it was deserving of the severest censure that the learned Common Serjeant should now get up, and, without a word of explanation, blandly move that the Bill be now read a second time. That was playing fast and loose with a great question. If the hon. and learned Gentleman was right in 1871 in urging on the mob to overthrow the House of Lords because of their action in the matter, he was not justified now in treating the question as if no more dangerous consequences were attached to it than were contained within the four corners of the Bill. As to the measure in itself, the opponents of the innovation had often been met by the count that they had abandoned the Scriptural argument. He now desired to give an unqualified denial to the assertion. The argument was not one which was pleasant to urge in a mixed assembly like this House, and therefore they did not put it prominently forward; but whenever the occasion came they were prepared to vindicate it. At present he should only say that the fact of so large a portion of the community believing that these marriages were in themselves absolutely wrong and inadmissible was a politic strong argument against them being legalized, for the utmost which those who took the opposite view could urge was, not that they were right and necessary, but only that they were not wrong. To the "must not be" of one party the other party would only urge "may be," and in such an unequally

weighted conflict of opinion he thought that the "must not be" of ostensibly the majority of the people ought to prevail against the "may be" of the other side. Assuredly if the present barriers were broken down the innovation could not be stayed at the point of the present Bill, as even Lord Russell, when he changed his vote, had publicly confessed. The old morality of England, and all its traditional marriage law was at stake. On the other side was the rank debauchery of countries, old and new, in which prohibited alliances were only elements of a wider system of social corruption. The question which they had really to decide was, whether they were prepared to make Paris their model, and plunge into the dissolute shamelessness of New York.

MR. SERJEANT SIMON said, he rose to explain. The hon. Gentleman who had just sat down, stated that he had been put up last Session by his hon. and learned Friend who had moved the second reading to give Notice of an unconstitutional proposition. But there was not the slightest foundation for such an assertion. He was not only not put up by his hon. and learned Friend, but had had no communication whatever with him on the subject; and the reason why his Notice was not proceeded with was because he could not get a night for it. He had ballotted for two months without success. With regard to the subject before the House, he wished merely to observe that the state of the law at present depended on the Canons of the Established Church, which were themselves founded on the Canons of another Church; and he protested against being bound by the regulations of a Church of which he and others were not members. There was no ground for continuing the law on the basis of the religious regulations of the Established Church. When he found that these regulations interfered with his free action in a matter which should be left to his own judgment and conscience, he must protest against it, and he felt bound to say that, in the interests of the Church itself, the law ought to be repealed.

MR. RICHARD said, that on this question reason, justice, and the interests of morality were on one side; and, as it seemed to him, on the other, little more than prejudice and sentiment—no

doubt sincerely entertained and therefore deserving of all respect. The House of Commons was not the place for theological discussion, or for minute criticism on the value of certain Hebrew expressions; but as differences did exist as to the right interpretation of the passages of Leviticus—as there did unhappily on many others, around which any controversy had raged—this only he would say, that it was his personal conviction, after diligent search and consideration, that there was a great preponderance both of argument and authority on the side of those who maintained that the Divine law did not prohibit those marriages, but, on the contrary, by clear implication and inference allowed them. And if not prohibited by the Divine law, what right had we to import prohibition into the English law? The hon. Member for West Kent had attempted to found an argument on this expression, “They twain shall be one flesh.” But that was so obviously a mere figure of speech, and any attempt to apply it in its literalness would lead to such gross absurdities, that he could hardly think the hon. Gentleman could have been serious when he brought it forward. [Mr. J. G. TALBOT said it was the Bishop of Peterborough’s argument, not his.] But the hon. Gentleman, he supposed, adopted the Bishop’s argument, otherwise he would not have submitted it to the House. What were the other arguments employed by hon. Gentlemen opposite against the Bill of his hon. and learned Friend? Arguments they could scarcely be called; they consisted chiefly of wild, vague, extravagant prophecies, and apprehensions of the evil consequences which were to flow from a change in the law, such as hon. Gentlemen were accustomed to indulge in when opposing every kind of reform in Church and State. It was said the proposed change would injure our social and domestic morality, and pictures were drawn of what would take place in our family life—not very complimentary to the honour of Englishmen, or the purity of English women. But what class was most interested in our social and domestic morality? Was it not the religious bodies, and were they opposed to the change? No such thing. There was no doubt that a section of the clergy of the Church of England were opposed to it; but, on the other hand,

Mr. Richard

there was also a section quite as much entitled to respect, who strongly advocated the change. Every Nonconformist Body in England had in some form or other, protested against the continuance of the law in its present state, some by Resolutions passed, or Petitions presented to this House, and others in a manner, if possible, still more significant, by refusing to pass any ecclesiastical censure or disapproval on those who transgressed the law. The law, as it existed, was not supported by public opinion; and the best proof of that was that people did not refuse to associate with those who had violated it. He had listened as he always listened with interest to the hon. Member for the University of Cambridge. It was impossible not to admire the gallant spirit with which he always rushed into the front to oppose every reform that was opposed in that House, especially on subjects that had any canonical or ecclesiastical hue about them. If he might be forgiven a pun, he should say that he deserved to be called the forlorn “Hope” of Ecclesiastical Toryism. But to-day he had done manifest injustice to the statement of the hon. Member for Hull, as to that remarkable testimony given by women in favour of the Bill. He said that it was a political meeting called to pat the Member on the back, and to endorse whatever he said. But the hon. Member for Hull distinctly prefaced his remarks by saying that the meeting in question was not a political meeting. He would not trespass further on the attention of the House. Believing as he did, that the prohibition they were anxious to remove had no warrant in any law of nature or of God, that it was not sustained by the opinion of the best and most religious portion of the people of this country, that it inflicted cruel hardship upon a large and most honourable and worthy class of people, and especially that it was productive of great misery and social evil to the lower classes of the community, he would on this occasion, as he had on former occasions, without hesitation and with the utmost confidence give his vote in favour of the second reading of the Bill.

MR. GATHORNE HARDY said, as he had never before taken part in discussions on the Bill except in Committee, he wished to be allowed to make a few remarks now upon the second

reading. If he agreed with the statement of the hon. Member for Merthyr (Mr. Richard), he would no doubt be on his side. The hon. Member told the House that all the reason, justice, and morality were on one side, and all the prejudice and sentiment on the other. But, at all events, those who were opposed to the Bill opposed it upon what they believed to be grounds alike of religion and reason; they held that social reasons were most materially adverse to the unions contemplated by the measure, and also that the transgression of the law was a crime against society. He confessed he was astonished every time this Bill came before the House that there should be found Gentlemen to get up and say that this was a question whether you were to obey the law of God or man—because there was surely no compulsion, for the persons who contracted these marriages did so with their eyes open, against not only the canon law of the Church, but against the law of the land, which existed long before 1835. When his hon. Friend the Member for Northampton (Mr. Gilpin) said that somebody had contracted a marriage of the kind contemplated by the Bill, that person knew that he had done an act which could be set aside by law. The view taken by hon. Gentlemen of the law before 1835 was quite mistaken, because if a man had then married his own mother or sister it would have been just as legal a marriage as if he had married his wife's sister:—both marriages were alike against the law, but before 1835 they could only be set aside by a suit in the Ecclesiastical Courts. Both were against the law—notoriously against it—ever since Christianity was in a position to control Christendom. The law on the subject dated practically from the 4th century, when Christianity was able to lay down the law. Were hon. Gentlemen to assume that this was a new law? It was the law which governed Christians up to that time, and when they were in a position to make laws to govern Christendom that law was laid down—and it was laid down on this principle, that degrees of consanguinity and affinity were to be treated in the same way. That was a clear and distinct rule—the moment they broke through that rule they did not know where they were to stop—once violate the definite rule and ho

defied any man to say what the ultimate result would be. The hon. and learned Gentleman opposite (Mr. Serjeant Simon) had asked why should a man be bound in this matter by religious laws at all, why not be left to the dictates of his own conscience? The answer to that is that marriage is too sacred a thing; it affects too vitally our social interests that the idea can for a moment be entertained that it can be left to every man to do as he pleases. He now came to an argument that had frequently been pressed upon the House without any evidence—the argument that this was the special case of the poorer classes of society. He (Mr. G. Hardy) denied it most emphatically. He said not only had we no evidence, but that no such evidence was to be found. [Mr. T. CHAMBERS: No, no!] Well, all he would say was if there was any evidence let there be inquiry—let us test the matter to the bottom. Heretofore all inquiry had been resisted. The only general inquiry that had been made on the subject was by a firm of attorneys who were sent out for a particular purpose, and they made a report which was wholly inconsistent with the Returns of the Registrar General, and was, indeed, a fiction. But the Lord Chancellor had made an inquiry in Westminster, a place with which he was well acquainted, and the result was that, though he found incestuous marriages of the most abominable kind, he did not find a single instance of a marriage with a deceased wife's sister. The noble and learned Lord's statistics were, however, corrected by a City missionary, who said that he had found one. So that here, in one of the densest populations in this great metropolis, and with the most diligent search by disinterested parties, there was only one solitary instance of such a union among so many thousands of people. And yet they tell us that this is the special case of the poorer classes. He protested most emphatically against the transgressors of the laws of their country coming to that House and asking to have the law changed for them. He could respect the man who said he must obey God rather than man—he might think him wrong, but he should admit his conscientiousness—but when a man wilfully took a woman whom he loved, made her a concubine, and begot bastards, he could not be regarded as obey-

ing God rather than man, and had no claim for consideration from this House. That was a clear plain statement of the case. If hon. Gentlemen said that public opinion was not against such marriages he regretted it, for sure he was that there ought to be a protest against such violations of the laws of the land and of society. Gentlemen admitted that they had been guilty of bribery, and yet he had not seen them suffer from public opinion. Some persons might think that smuggling, for instance, ought not to be punished by the public opinion of society. But if a person had wilfully and notoriously bribed or smuggled, surely no one would say that he had a right to come to the House of Commons to set aside the punishment which he had brought upon himself. Now, the law of 1835—though he would have made some objection to it had he been in Parliament at the time it was passed—was a wise one in this respect—that instead of leaving persons to get up collusive suits, it said distinctly—"The meaning of the law of this country has always been that these marriages are invalid; we will not say anything about what is passed"—he doubted whether that was wise—"but, with respect to the future, if a man enters into such a marriage he must know that the law of the country forbids it." Under the 1st clause of the Act such a marriage was no marriage at all—it was a mere ceremony—a mockery—a derision of the law, and persons who contracted it must not come to the House of Commons and ask to have it condoned. He had come to the conclusion that such marriages were contrary to religion, because where marriages, within degrees of consanguinity, were forbidden they were also forbidden within degrees of affinity. He trusted the House would not condone transgressions of the law wilfully and openly made, but would reject the Bill on the second reading.

SIR HENRY SELWIN-IBBETSON said, he desired to make a personal explanation. He was afraid he had used words capable of giving offence to several hon. Members, when he remarked that those who had contravened the law of the country to gratify their passions were the principal movers in this agitation. If he did say anything which could be construed as offensive, he deeply regretted having done so, apart

Mr. Gathorne Hardy

from the fact that it had called forth a rebuke from the hon. Member for Northampton (Mr. Gilpin).

MR. GILPIN observed that the explanation was no more than he could have expected from the well-known courtesy of the hon. Baronet, and he hoped the expressions used by the hon. Baronet, as well as the word "slander" he had himself applied to them, might pass into oblivion.

MR. MELLY said, that he had no sympathy with persons who wilfully broke, under whatever excuse, the marriage law of the land; but he voted for the Bill because he had found that in a special degree it was popular among the working classes—as he had found by personal experience. It was a poor man's question. No doubt the alteration of the law would be a blow at the wealthier classes, and would alter the relations in which men in that class stood towards their sisters-in-law; but that consideration ought not to prevent justice being done. If this was not a working man's question, it was difficult to understand why almost all the City missionaries, and so many of the City clergy belonging to the Established Church, were driven, by the experience of their daily work, to be in favour of this Bill; and it would be remembered that last Session a remarkable Petition was presented in support of the repeal of the law from South Lancashire, to which the names of a large number of clergymen of the Established Church were appended.

MR. EASTWICK said, the hon. Member for Merthyr (Mr. Richard) had said that as these marriages were not forbidden by Divine law, it was not right to impose the restrictions by Act of Parliament. But it was no argument that there was no express prohibition of these marriages. By the same reasoning you might justify an Act authorizing polygamy, which was certainly not forbidden in the Old Testament, and he doubted very much whether, if they looked through the New Testament, they would find any passage expressly forbidding a man to have more than one wife.

MR. T. COLLINS said, that the hon. Member for Hull (Mr. Clay) had referred triumphantly to the public meeting that had lately been held in favour of the Bill; but, on the other hand, he

(Mr. Collins) was at a crowded public meeting in Yorkshire, of which certainly four-fifths were opposed to the proposed alteration. He wished the hon. and learned Common Serjeant would consent to discuss this question judicially, by withdrawing the retrospective operation of the Bill altogether, and enacting merely that those marriages shall be legal for the future. At present, the question of condoning the conduct of persons who had wilfully broken the law was inextricably mixed up with the other and larger subject. The Bill was also incomplete because it did not deal with the question of the deceased husband's brother and of the deceased wife's sister's daughter. If a man were allowed to marry his deceased wife's sister, why should he not marry his deceased wife's niece—a more remote connection? And why should not a woman marry her deceased husband's brother? If a man might marry two sisters in succession, why might not a woman marry two brothers in succession? When he had called attention to this inconsistency in the Bill on a former occasion, he received letters from all sorts of women who had either contracted such marriages, or wished to contract them. Again, surely, on the principle of the hon. and learned Member, marriage with the child of the wife's sister ought also to be permitted, for the relationship in that case would be more remote. He objected to the Bill because it would unsettle the foundations of our marriage law, and would operate—as the divorce law had operated—in making the poorer classes feel that there was practically one law for the rich and another for the poor; because they would find, in the case of this Bill, as they found in the case of the Divorce Act, that the expenses of obtaining the benefit of the law altogether exceeded their humble means. The learned Common Serjeant would not satisfy the sense of the public by legislation of this kind—it would be far better to legalize all these marriages, than to pick out a particular class and legalize that. At any rate, if this legislation was to be sanctioned, there ought to be two distinct Bills—one to authorize these marriages in future, and the other to make legal such as had been contracted in the past, and then the House would be able to deal with each of these points on its own merits.

MR. T. CHAMBERS said, the reason he moved the second reading of this Bill without remark was because he thought the House had heard his voice so often on the subject that it was not fair to trespass upon their attention. At the same time it was not strictly true to say that nothing new could be urged upon this question, for since the close of the last Session two new features in connection with this question had been asserted to which he would briefly advert. In the first place, he believed that since the matter was last argued in the House the religious objection had been substantially withdrawn—["No!"]—at any rate it certainly seemed to him that the religious objection could no longer be maintained, at least by the members of the Anglican Commission. As far as he was concerned, if the religious objection could be sustained to his satisfaction, there would be an end to this Bill; but since last Session the *Speaker's Commentary* had appeared—a work sanctioned by the two Archbishops and by the Bishops of Llandaff, Gloucester, Bath and Wells, Chester, and by Anglican clergy and laity of the highest authority; and this work contained a note to the text of the Pentateuch upon which the religious objection was founded—

"The rule as it here stands would seem to bear no other meaning than that a man is not to form a connection with his wife's sister while his wife is alive. It appears to follow that the law permitted marriage with the sister of a deceased wife. A limitation being expressly laid down in the words 'beside the other in her lifetime' it may be inferred that when the limitation is removed the prohibition loses its force, and permission is implied."—[P. 601.]

Surely if any philological or verbal criticism could set such a point at rest it was done here in the most authoritative manner, for the editors and contributors to this book, having the whole scholarship of Christendom at their command, came to the conclusion that no room was left for any reasonable doubt as to the sense of this passage; and though probably well disposed to put another interpretation upon the text, they felt that, as scholars, no other interpretation was open but one which allowed such marriages. Another point was new in the discussion of this question. Since the last Session of Parliament Her Majesty had been advised to assent to a law legalizing such marriages in South Australia. Now, if any frag-

ment of moral support remained in favour of the existing law in England founded on the alleged general sense of the people, what could be said when Bills like his own having been again and again passed by the South Australian Legislature, Her Majesty had actually allowed such marriages in that colony? How could they be prohibited in England when already in one of our colonies, and ultimately no doubt in all of them, the opposite course was taken. "Incestuous marriages" indeed! Why, men who had contracted these marriages would come over here from South Australia and perhaps sit in this House—men would come over here and take orders in the Church—they would mix with men who had married under circumstances precisely similar. Yet in the one case there would be the stigma of an "incestuous" marriage and the children would be bastards, and in the other case it would be a valid marriage and the children would be legitimate. Was it possible, as a matter of general policy, to maintain a law under such circumstances?

LORD JOHN MANNERS said, he must protest against the hon. and learned Member (Mr. T. Chambers) reserving to the close of the debate the arguments that he had just laid before the House. In common fairness and in accordance with the regular usage of Parliament they ought to have been brought forward at the opening of the debate. In regard to the passage in the *Speaker's Commentary*, what was the real state of the case? The hon. and learned Gentleman wished it to be inferred that Mr. Clarke's note in the *Speaker's Commentary* had received the sanction of all the dignitaries of the Church whose names were connected with the book. A more unfounded impression was never attempted to be palmed upon the credulity of the House of Commons. The note of Mr. Clarke was submitted to the inspection of a single gentleman connected with the editorial portion of the work, and might have received his sanction; but to leave it to be inferred that it had also received the sanction of the Prelates whose names were attached to the book was a rhetoricalfeat which must not go unanswered. The Bill was introduced for the purpose of making legitimate alliances contracted against the known intentions of the Legislature,

and he submitted that it would be of evil example if the Legislature acceded to such an invitation. The other point of the hon. and learned Gentleman was, that because the Government had sanctioned a Bill authorizing these marriages in South Australia, therefore it was the duty of Parliament to sanction them in Great Britain and Ireland. That was certainly a new view of the duty and functions of the Imperial Legislature. The House had witnessed of late a good many instances where the Royal Prerogative had been exercised contrary to the opinions of Parliament; but it had been reserved to the Common Serjeant to press that argument home. According to the hon. and learned Gentleman, the English Legislature were no longer at liberty to maintain the Christian law of marriage, which had existed since the 4th century, because the Government had advised the Crown to grant a dispensation to one of our colonies. In the name of the Imperial Legislature he protested against any such dishonouring conclusion, and he trusted that the House would not allow Australian examples to influence their opinion, guide their vote, or drive them from the defence of an immemorial law upon a religious and social question of this importance.

MR. MAGUIRE: Sir, I do not take exception to the Bill of the hon. and learned Gentleman the Member for Marylebone (Mr. T. Chambers), upon what may be described as religious, or, more properly speaking, Scriptural grounds. Indeed, I go further, for I frankly own that, so far as I can apprehend the meaning of the words relied on by those who oppose its proposal as being at variance with the Divine command. I do not believe there is anything serious in their argument; and that did the opposition to the Bill rest solely on the strictly religious or Scriptural grounds, the hon. and learned Gentleman and his Friends would have an easy victory over their opponents. I do not believe such marriages as are now proposed are contrary to the Divine command, nor do I believe them to be contrary to the law of nature. I do not believe them to be un-Scriptural, and I cannot regard them as incestuous. Therefore on neither of these grounds do I oppose the Bill. But are there no other grounds of opposition?—are there none which come home to the feelings and convictions,

nay, to the very instincts, of the vast majority of the women of these kingdoms? Are there no social and moral—are there no family reasons why this proposal ought to be rejected; or, why, if this Bill is to pass into law, it is certain to introduce a new and fruitful element of danger and discord in the family circle? But, Sir, I would first of all ask—is this great, this vital change in the dearest relations of domestic life demanded by the nation, or by the majority of the nation? If so, where are the proofs of this universal, this general, or even this partial, but influential demand? What single election, for instance, has turned upon the triumphant candidate's advocacy or support of this Bill? Where is the solitary Member of this House who has been returned by a constituency clamorous for the questionable privilege of marrying their deceased wife's sisters? In a word, what have we as the proof of this question having taken hold of the mind or the heart of the nation? No doubt we ascertain the existence of a highly artificial agitation; we have some few thousands of signatures attached to Petitions carefully got up—not more than for or against some Turnpike Bill; and last, but certainly not least, we have had, as conclusive proof of the alleged wide-spread feeling in favour of this most dangerous innovation, an "indignation meeting" of a formidable character, in whose service was enlisted an army of placard bearers, and whose intention and object was, either to convert or overawe the other House of Parliament. Beyond these spontaneous and irrepressible manifestations of popular feeling, we look in vain for the proof of that strong and general sympathy which could alone excuse or justify the proposal of such a change. As to any enthusiasm on the question, the public is as unmoved as a rock, as frigid as ice; and not all the indignation meetings ever held or imagined could shake that obduracy, or thaw that utter frigidity. Even at that memorable meeting, the poor deceased wife's sister was treated with chilling indifference. And why? Simply because the thing proposed is obnoxious and unpopular. ["No, no!"] It is not popular either with men or with women; and women would not be true women were they generally in its favour. Now this is essentially a women's ques-

tion—a question of questions vitally concerning the peace of their homes, and the happiness of their married lives; and I ask the hon. and learned Gentleman if he will venture to assert that any considerable number of the married women of these countries are in favour of his proposal? If so, let us have the evidence of the existence of this new form of unfeminine insanity—some other evidence besides that displayed at Hull. I declare, as my deliberate conviction, that, out of the lunatic asylums of Ireland, the hon. and learned Gentleman could not in that country obtain 500 female "ayes" in support of this Bill. I certainly cannot find any appreciable number of my constituents in its favour. On the contrary, I have heard this great boon to women spoken of by female members of my constituency—and these among the most cultivated and enlightened of its members—with disgust and detestation; and I venture to assert that this is the spirit in which it is regarded by the overwhelming majority of my countrymen. Others have spoken similarly of the women of Scotland; and until I see Petitions in favour of this Bill signed by hundreds of thousands of Englishwomen, I shall continue to believe that not only are they of the same flesh and blood, but of the same feelings and passions and instincts as their sisters of the sister countries. So far as I can understand the feeling of women on this question, it is this—they are unwilling that the beautiful and sacred relation now subsisting between the wife's sister and the wife's husband should be disturbed or endangered, much less destroyed—they are unwilling that the most tender and most sacred relation between the wife's sister and the wife's children should, on any pretence whatever, be imperilled—they are unwilling that the perfect and entire confidence now reposed by the wife in her unmarried sister should be replaced by suspicion and mistrust, by heartburning and agony of soul. Next to the relation of the husband to the wife, and the wife to the husband, what on earth is more beautiful and tender, what more pure and unselfish, than that of the unmarried sister to the husband of the sister, and *vice versa*? It is now free from the very shadow or suspicion of impurity or impropriety. The wife's sister is also the husband's sister—he is

her brother and her protector; and should it happen that she lives under his roof, and that she grows to womanhood under his care, he takes pride in her beauty and her accomplishments, her grace and her gaiety, and he looks forward with pleasure to the hour when he may hand her over, pure and stainless, to one worthy of her beauty, her virtue, and her innocence. But once pass this dreadful measure, once make it the universal law of the land, and you shatter for ever the greatest charm of the domestic circle, by establishing a new and dangerous relation between the husband and the sister of his wife. At one fell swoop the sister-in-law and the aunt are practically blotted out, and in their place you have the possible rival of the wife in the affections of her husband, the possible successor to the wife in that home which is the throne of the woman's empire. My hon. Friend the Member for Northampton (Mr. Gilpin) who says that all the intellect and all the conscience of the country is on his side—a statement which, were I to make it on my side, would somewhat savour of Parliamentary insolence—my hon. Friend asks us to arrive at a philosophical decision on this question. Sir, if men were all philosophers of the hardest moral grit—were they automata, to be wound up like so many clocks—were they as insensible as was the marble statue of Galatea before the false compassion of the gods warmed it into life—in fine, were man not man, and woman not woman, then you might safely trifle with relations that are holy and sacred, tender and delicate; but it is because man is man, and woman is woman, that the Representatives of this nation should guard the domestic hearth from a new and terrible temptation! Either way in which you can regard it, it is fraught with peril. It involves the brutal disruption of cherished ties, or it must be a source of ever present danger. No reasonable man—certainly no one deliberately legislating for the future—can shut his eyes to the temptations suggested by the totally new relations proposed to be established between the husband and the wife's unmarried sister. [“Oh, oh!”] Gentlemen may affect indignation at what I say; but which of us can say he believes in the perfection of the human heart?—which of us who knows human nature that does not also

know its weakness and its liability to err? Our grandest prayer—that which links all Christian men in a common brotherhood—our grandest prayer to the Father of all created things, ends with this touching acknowledgment of our poor human weakness—“Lead us not into temptation!” But this Bill of the hon. and learned Gentleman demands that temptation, in its most dangerous form, shall be introduced into the now untroubled home, and that it shall there set up its permanent dwelling-place. This proposal involves peril to the peace of the wife; it also involves injury to the welfare of her children. Much is said of the aunt's love for her sister's children, and how she is the best person to take the place of her deceased sister, because of the great love. As to the aunt's love for her sister's children, it is now a reality; but with the change which this Bill would work, it would prove to be unreliable, and, at best, precarious. So long as you, by leaving the law of the land untouched, allow the aunt to be the aunt, and the aunt only, all is right between her and her sister's children; and should anything happen to the wife, no one could better replace her than her unmarried sister. I will go farther, and say this—were the Bill passed, and the husband to marry his wife's sister, and that she had no children of her own, in that case her sister's children might and possibly would retain the full measure of their aunt's former love. This must, however, be on the supposition that you can guarantee her against fruitfulness. You say that the aunt is her sister's best successor, and I say yes, provided you allow her to remain as she is—the aunt and that alone. But once let her become a mother herself, and there will arise in the mother's heart the fierce selfishness of the mother's love and the mother's jealousy; and from that moment she is a step-mother to her sister's children. Her maternity has destroyed in her all the tenderness of the aunt. Sir, I have no objection that a Bill, similar to that passed some years since, should now be carried, so as to undo, as far as possible, the individual mischief or inconvenience that has been already done by marriages of this description—I shall not say contracted through passion, for I have not the least desire to question the purity of motive that may, in many instances,

have led to these unions. It is not my duty or my feeling to cast reproach on any of those marriages, and I would, on the contrary, now afford the same relief as was given by the Act of 1835. But I oppose the passing of a law which would bring confusion and misery to countless houses. Sir, because I regard this Bill as delusive in its promise of good, and dangerous in its certainty of evil, I cordially say "No" to its second reading.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 186; Noes 138: Majority 48.

Main Question put, and agreed to.

Bill read a second time, and committed for To-morrow.

COMMONS PROTECTION BILL.

On Motion of Sir CHARLES DILKE, Bill to provide for the better security of the public in Lands and Commons, ordered to be brought in by Sir CHARLES DILKE, Mr. TAYLOR, and Mr. MORRISON.

Bill presented, and read the first time. [Bill 63.]

MUNICIPAL OFFICERS SUPERANNUATION BILL.

On Motion of Mr. RATHBONE, Bill to enable the Mayor, Aldermen, and Burgesses of Municipal Boroughs in England and Wales to grant Superannuation Allowances to their Officers, Clerks, and Servants, ordered to be brought in by Mr. RATHBONE, Mr. BIRLEY, Mr. DIXON, Mr. MORLEY, and Mr. GRAVES.

Bill presented, and read the first time. [Bill 64.]

House adjourned at a quarter before Six o'clock,

HOUSE OF LORDS,

Thursday, 22nd February, 1872.

MINUTES.]—Sat First in Parliament—The Lord Kenmare, after the death of his father, SELECT COMMITTEE—Second Report—Thanksgiving in the Metropolitan Cathedral.

TREATY OF WASHINGTON—"ALABAMA" CLAIMS.—QUESTION.

EARL STANHOPE: I wish to put a Question to my noble Friend the Secretary of State for Foreign Affairs. When on a former occasion my noble Friend was asked whether there was

any objection to the production of the English Case and the American Case, he said it might be regarded as a breach of etiquette if the American Case were produced here before it was laid before Congress. Undoubtedly, my Lords, I think there was some weight in that objection; but we have now received intelligence that the American Case has been laid before the American Legislature. Under these circumstances, I beg to ask my noble Friend, Whether there is any longer an objection to the production of the American Case? If there be not, I would move for it as an unopposed Return.

EARL GRANVILLE: In reply to my noble Friend I have to state that the presentation of the American Case to the Senate is not the same as its presentation to Parliament, because the Senate is a department of the Administration; but, as General Schenck, the American Minister, has stated to me that he sees no objection to its production here, it will be laid on the Table if my noble Friend moves for it.

Moved, An Address for Case presented on behalf of the Government of the United States to the Tribunal of Arbitration.—(Earl Stanhope.)

Motion agreed to.

VACCINATION LAWS.

MOTION FOR A SELECT COMMITTEE.

LORD BUCKHURST, in moving for the appointment of a Select Committee to inquire into the operation and efficiency of the Vaccination Acts, said, the question was one of great importance. The Report of the Registrar General showed that last year there was a very alarming increase in the number of deaths from small-pox; and although it had abated in some districts it was still very prevalent in others. The same Report attributed the increase to defective administration in respect of the Vaccination Laws, and if that were so it was clear that some amendment of the law was required. The Poor Law medical officers had no longer anything to do with public vaccination. A Poor Law medical officer could not now ask the parents of a child to have it vaccinated, or if he vaccinated it he could not demand a fee. The registration of births was defective, and until it was

made compulsory the Vaccination Laws would not be efficiently carried out. Considerable care had been taken with the Act of last Session, but he believed it was susceptible of improvement. These were some of the reasons why he asked for the appointment of this Committee, in order that inquiry might be made into the subject, and a good basis formed for legislation.

Moved that a Select Committee be appointed to inquire into the operation and efficiency of the Vaccination Laws.—(The Lord Buckhurst.)

THE EARL OF MORLEY said, that while agreeing with the noble Lord that the subject which he had brought under their Lordships' notice was one of much importance, he did not know that the course proposed by the noble Lord was advisable under existing circumstances. Some of the defects to which the noble Lord had alluded had been cured by the Act of last year. A Select Committee of the House of Commons had spent three months in considering the subject before that Act was passed; and as the statute itself had only been in operation since January last, it was rather soon to judge of its effects and go into another inquiry such as that which had for so long a period engaged the attention of a Committee of the House of Commons. Great changes had been made since last year in the constitution of the Local Boards, and it was hoped that those changes would be attended with very beneficial effects in the administration of the law. He concurred with the noble Lord in thinking that the registration of births was in a very unsatisfactory state. The Committee of last year recommended that such registration should be made compulsory, and the question was at this moment under the consideration of the Government. Under these circumstances, he hoped the noble Lord would not press his Motion.

THE DUKE OF RICHMOND said, he very much concurred in what had fallen from the noble Earl. While he felt that their Lordships were indebted to his noble Friend (Lord Buckhurst) for having brought the question under the notice of the House, he agreed with the noble Earl that after the recent amendments in the Vaccination Laws, it would, perhaps, be premature to refer the subject to another Committee until the country had had more experience of the

Lord Buckhurst

working of the Act of last year, especially as some further amendments were under the consideration of the Government.

LORD BUCKHURST said, that after the observations of the noble Duke, he would withdraw his Motion; but, at the same time, he hoped the Government would not lose sight of the subject.

Motion (by leave of the House) withdrawn.

THANKSGIVING IN THE METROPOLITAN CATHEDRAL.

Second Report from the Select Committee (with the proceedings of the Committee), made, and to be printed.

The Lord Chamberlain acquainted the House, That Her Majesty has been graciously pleased to approve of the Lord Chancellor preceding Her Majesty in the Royal Procession to St. Paul's Cathedral on the occasion of the Thanksgiving Ceremony on the 27th instant.

Resolved, That this House having been informed by the Lord Chamberlain that Her Majesty has been graciously pleased to approve of the Lord Chancellor preceding Her Majesty in the Royal Procession to St. Paul's Cathedral on the occasion of the Thanksgiving Ceremony on the 27th instant, do authorize the Lord Chancellor, as representing this House, to attend Her Majesty accordingly.—(The Marquess of Ripon.)

Ordered, That a copy of this resolution be sent to the Lord Chamberlain.

House adjourned at half past Five o'clock till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 22nd February, 1872.

MINUTES.] — SELECT COMMITTEE — Railway Companies Amalgamation, appointed; Habitual Drunkards, nominated; Trade Partnerships, nominated.

SUPPLY — considered in Committee — ARMY ESTIMATES.

PUBLIC BILLS — Ordered — First Reading — Master and Servant (Wages) [65].

Second Reading — Poor Law Loans [51].

Committee — Royal Parks and Gardens [17] — n.r.

Committee — Report — Public Parks (Ireland) [41].

EDUCATION — PUPIL TEACHERS.

QUESTION.

MR. SAMUELSON asked the Vice-President of the Council, Whether he

could state approximately the number of pupil teachers who were serving their apprenticeship in 1871, and the average number during the preceding three years?

MR. W. E. FORSTER, in reply, said, the number of pupil teachers serving their apprenticeship in December, 1871, was 21,854, and he was glad to say that was a very large increase on the average number during the preceding three years, which was 15,772.

METROPOLIS—THAMES EMBANKMENT. QUESTION.

MR. W. H. SMITH asked the First Lord of the Treasury, If the Government would take the necessary steps to give effect to the recommendation of the Committee of last year on the Thames Embankment?

MR. GLADSTONE: The hon. Gentleman is probably aware that it is not in our power, by the authority of the Executive Government, to take any step of that character, because we are bound by law to obtain the full value of the property of the Crown; whereas, if I understand rightly the recommendation of the Committee, it is that a price or consideration ought to be given for it which, although I might not be justified in calling it nominal, is little more than nominal, or at any rate is entirely inadequate. It would, therefore, require an Act of Parliament; and we are not prepared to bring in an Act for the purpose of parting with the property of the Crown for a value altogether inadequate. If the hon. Member can point out to us any unobjectionable source from which we can obtain a proper value, we shall be ready to consider it.

AUDIT OF PUBLIC ACCOUNTS. QUESTION.

MR. HUNT asked Mr. Chancellor of the Exchequer, Whether, in accordance with the recommendations of the Committee of Public Accounts of last Session, any and what steps had been taken by the Treasury to examine into the system of audit of Army Accounts, and to acquire control over the Salaries and Office Expenses of the Court of Chancery?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the right hon. Gentleman was doubtless aware that evidence had been given before the

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Public Accounts Committee to the effect that the word "may," in the 29th section of the Exchequer and Audit Act, ought to be read as "must." The Government had taken the opinion of the Law Officers of the Crown on that question, and they had given an opinion that the word "may" ought not to be read as "must," but that it was a matter of discretion. Consequently, the Government had given instructions to the Auditor General to consider whether he ought not to enter into a more minute audit of the accounts of the Army and Navy, and the Auditor General had declined to do so; and he (the Chancellor of the Exchequer) had appointed a Special Committee to inquire how far the Treasury should exercise the power given them by the same section of calling upon the Auditor General to make the required audit. As to the second Question, respecting the Court of Chancery, he found that the difficulty in the way of doing what was wanted, not only in the Court of Chancery, but in other judicial estimates where the salaries were very high, consisted in the terms of Acts of Parliament which placed it out of the power of the Treasury to exercise the same control as they did over other Departments. It would require an Act of Parliament to enable Government to do so; but it was an Act which would meet with considerable opposition, and in the present state of Public Business he was not prepared to introduce it.

SCOTLAND—LICENSING BILL. QUESTION.

SIR ROBERT ANSTRUTHER asked the Secretary of State for the Home Department, Whether the proposed licensing scheme of the Government would apply to Scotland; and, if not, whether he would be prepared, during the present Session, to introduce a Bill to suspend any further grant of new licences in Scotland, similar in substance to the Act passed last Session for England and Ireland?

MR. BRUCE, in reply, said, the Bill of the Government would not include Scotland, whose licensing system was different in some essential particulars from that of England. Whether it might be expedient to introduce for Scotland such a Bill as was passed for England and Ireland last Session would depend very much on the opinion of

Parliament after discussing the subject, of which there would be ample opportunity during the coming months. Such a Bill would not require much time to pass, and it was premature to arrive at any decision on the subject.

**TREATY OF WASHINGTON—TELEGRAMS.
QUESTION.**

Mr. RYLANDS asked the Under Secretary of State for Foreign Affairs, If he would state to the House the total amount paid for Telegrams in connection with the negotiation of the Washington Treaty?

VISCOUNT ENFIELD: I am informed that the amount charged for telegrams in the accounts of the Washington High Commissioners was £5,116, and that the amount charged in the Post Office account for telegrams from England to Washington was £2,161 13s. 6d., making a total amount of £7,277 13s. 6d.

INDIA MADRAS IRRIGATION COMPANY.—QUESTION.

Mr. O' DALLYMPLE asked the Under Secretary of State for India, with reference to a statement in the House of Commons under date April 24, 1871, What was the actual state of indebtedness of the Madras Irrigation Company to the Indian Government at the present time, both for direct advances of money and for interest upon the first million of capital raised, and which had been paid from the Treasury since the commencement of that adventure; and, whether the works of the Navigable Canal or of the Irrigation Works now showed any net receipts, after meeting the charges of establishment and maintenance, from which the sums due by the Company to the Government could be liquidated; and, if not, whether measures were in contemplation to enforce payment, or to take the works out of the hands of the present management?

Mr. GRANT DUFF: In reply to the hon. Member's first Question, I have to say that the direct advances of money up to January 31, 1872, amounted to £1,000,000, the interest thereon which had accrued on that date amounted to £86,300. The amount of capital raised by the Company is £909,666, on which interest has been paid by the Secretary of State in Council amounting to £511,852. In reply to his second Question, I have

to say that, according to the latest official Returns, the receipts for the 12 months ending November, 1871, were 9,019 rupees, which were not sufficient to meet the charges of establishment and maintenance for the year. In reply to his third Question, I have to say that the Company have been warned that the Government will take measures for enforcing payment of the debentures, aggregating £600,000, as they fall due. The first debenture for £12,000 has to be repaid, with interest, on the 18th of May, 1872. In June £17,000 falls due; in July £12,000; in October £12,000, and so on pretty regularly, the amount of £130,000 having to be paid, with interest, in the financial year 1872-3; but that the Government of India do not consider that the contingency contemplated by the contract of 1866, which would have entitled them to take the works out of the hands of the present management, has arisen.

METROPOLIS—NEW COURTS OF JUSTICE.—QUESTION.

Mr. CAVENDISH BENTINCK asked Mr. Chancellor of the Exchequer, Whether Her Majesty's Government had finally approved any architectural design for the New Courts of Justice; and whether he would exhibit the same in the Library or elsewhere within the precincts of the Palace of Westminster, for the inspection of Members of this House? The hon. Member said, that on the 21st of last July he asked the Chancellor of the Exchequer whether Her Majesty's Government approved the designs which were stated to have been accepted, and the right hon. Gentleman stated that he did not approve those designs. He understood that during the vacation — [“Order, order!”] —

MR. SPEAKER: The hon. Member is not entitled to make a speech in putting his Question.

MR. CAVENDISH BENTINCK: I apprehend that I am entitled, by the practice of the House, to make any explanation which does not lead to controversy. I desire to say that I understand that during the vacation considerable modifications have been made in the designs. [“Order, order!”] I am perfectly in order. I wish to ask the Chancellor of the Exchequer whether that is the case or not?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, these designs were exhibited in the Library of the House for several weeks last Session, and hon. Gentlemen who were critical in such matters could not be induced to pronounce any opinion upon them. After having submitted them to this ordeal the Government did approve of the designs, and he did not know that any good purpose would be answered in exhibiting them in the Library again. Of course, if the House really wished it, no objection would be offered to that course.

FRIENDLY SOCIETIES.—QUESTION.

MR. RAIKES asked the Secretary of State for the Home Department, Whether the Government intended to bring in any measure during the present Session dealing with Friendly Societies; and whether any Report had been made or may be expected to be soon made by the Royal Commission appointed to investigate this question?

MR. BRUCE, in reply, said, that some of the evidence that had been taken on this subject had been actually reported, and he was informed that further evidence with reference to it would soon be in the hands of Members. It was, however, not expected that any conclusion on the subject of Friendly Societies would be arrived at by the Commissioners during the present Session, and it would be impossible to attempt any legislation in the matter until the Report had been made.

MR. DODDS asked whether the Report would refer to Building Societies?

MR. BRUCE said, that the evidence taken before the Commissioners related to Building as well as to Friendly Societies, but that the Report had not yet been printed.

SIR STAFFORD NORTHCOTE, as Chairman of the Commission, might state that the forthcoming Report would refer to Building, but not to Friendly Societies.

TREATY OF WASHINGTON—THE AMERICAN CASE.—QUESTION.

MR. GOLDSMID asked the First Lord of the Treasury, Whether, considering that the American Case had been presented to the Senate by the

United States Government, he would now present it to the House?

MR. GLADSTONE: I stated to my hon. Friend on a former occasion that we were not authorized, in consequence of the presentation of the American Case to the Senate, to present it to the Houses of Parliament, because a presentation to the Senate is a presentation to a co-ordinate body, and it is, therefore, a confidential and not a public presentation. But, at the same time, the circumstances of this case are very peculiar, because that kind of publicity, or half publicity, which has been given to it, seemed to render it desirable, with the permission of the American Government, that we should make it known to both Houses of Parliament in a regular manner. Application has been made to ascertain whether the Government of the United States have any objection to the presentation of the American Case to the two Houses of Parliament, and the American Minister has very courteously replied that no objection is entertained. If my hon. Friend moves for the production of this volume—it is already in type, in consequence of what has taken place in the Foreign Office—it will be produced as an unopposed Return, and I am in hopes it will be distributed almost immediately.

MR. GOLDSMID said, he would submit a formal Motion for that purpose.

FRENCH POLITICAL PRISONERS.

QUESTION.

MR. OTWAY asked the Under Secretary of State for Foreign Affairs, Whether any complaint had been made to the Foreign Office relating to certain French political prisoners who had been put handcuffed on board English steamers by the French police, and landed in this Country in a state of utter destitution; and, whether Her Majesty's Government had addressed or intended to address any communications to the Government of France in consequence of these proceedings? The hon. Gentleman said that he had ascertained that the handcuffs were taken off before the prisoners were brought on board the English steamer. He had learned that the prisoners were landed in January, at Newhaven, without sufficient clothing, and in a state of utter destitution, and without a farthing in their pockets,

and that they walked to London from Newhaven, living on roots and turnips all the way.

VISCOUNT ENFIELD: A gentleman called at the Foreign Office some days ago to make the statement referred to by my hon. Friend, and he was requested to send it in a written form, in order that such action as was required might be taken upon it. That statement has reached me only since I came down to the House to-day, so I can only assure my hon. Friend that it shall be at once submitted to the consideration of the Secretary of State.

COURT OF CHANCERY FUNDS BILL.
QUESTION.

MR. HUNT asked Mr. Chancellor of the Exchequer, Whether any written communications had passed between the Lord Chancellor, the Treasury, the Exchequer and Audit Department, the Accountant General in Chancery, the National Debt Commissioners, and the Bank of England, or any of them, upon the subject matter of "The Court of Chancery Funds Bill;" and, if so, whether he would have any objection to lay such communications upon the Table of the House?

THE CHANCELLOR OF THE EXCHEQUER: The Chancery Funds Bill is pretty nearly the same as the measure of last year, in the framing of which we had communications with the Lord Chancellor, the Accountant General in Chancery, and the National Debt Commissioners. There were, however, no official communications, and I am not aware that there were any written ones. There has been no communication with the Bank of England. We sent the Exchequer and Audit Department a copy of last year's Bill, and yesterday received a communication from them, which I shall have no objection to produce.

BUSINESS OF THE HOUSE.—QUESTION.

COLONEL BARTTELOT asked Mr. Chancellor of the Exchequer, Whether he was prepared to state to the House the course he intended to take on Friday next with regard to the Business of the House, as by the Notice Paper it appeared that there were many Motions down for consideration on going into Committee of Supply? He believed that

Mr. Olney

there were nine Motions down for that day.

MR. GLADSTONE: With the permission of the hon. and gallant Member, I will answer the Question. I am afraid the expectations kindly held out to us by the hon. Member for North Warwickshire (Mr. Newdegate) are not likely to be fulfilled to-morrow night. We must assume that the Motions on the Paper will be proceeded with. If, however, they should be disposed of at any reasonable hour — [Colonel BARTTELOT: What hour?] Some time before midnight. ["Oh!"] I would suggest that an interruption in the middle of a sentence, with the view of drawing forth a reply, and then an interruption upon that, without knowing what is to follow, do not conduce to the convenience of business. I was about to add that we should not think of proposing any controverted matter under those circumstances, and therefore Gentlemen need not apprehend that. I think it would be convenient in the first place to know whether the House is disposed to deal at once with the Resolution relating to the admission of strangers, which is of some importance in connection with a measure which stands for early discussion. If that is to be contested we shall not proceed with it to-morrow. I am anxious to know a little more than we do at present as to the general disposition of the House with regard to the mode of procedure on these Resolutions. A very large number of Notices have been given, some of them very important. A noble Lord opposite (Lord John Manners) and the right hon. Gentleman the late Chancellor of the Exchequer (Mr. Hunt) have both given Notices, and I should like to learn the feeling of the House as to the best method of procedure. Let it be understood that we have not the slightest intention of raising controverted questions to-morrow, there being, I fear, no prospect of time for discussing them. If the hour should be so late as to make it inconvenient to raise the question at all, I shall postpone it till Monday nominally, in order then to state what course we shall take.

THANKSGIVING IN THE METROPOLITAN CATHEDRAL.—QUESTION.

MR. MONTAGUE GUEST: I stated to the right hon. Gentleman the Secretary of State for the Home Department

yesterday that, as the Chief Commissioner of Works was not in his place, I would put the Question which I have down on the Paper to-day; but, as I am aware that several hon. Members who are present are anxious to discuss this question, and being anxious to say a few words myself on the matter, I shall put myself in order by moving the adjournment of the House. ["Oh, oh!"] Well, Sir, I am sure, at any rate, the House will agree with me and back me up when I claim for each Member a ticket for the Thanksgiving celebration at St. Paul's, and also one for each Member's lady. The number of Members of the House of Commons is 650 in round numbers, and each Member and his wife or another lady, would amount to 1,300. Now, considering that there are 950 places appropriated, it would be easy to order 300 or 400 more seats, and so provide for all. I am informed that some hon. Members, whose wives are unable to go, are anxious to take their daughters—indeed, I am told by several hon. Members that they will take their daughters without asking permission, and I am bound to say that if I were in their place and was a married man and had a daughter, I would do the same. Before asking my Question, there is one other matter I should like to refer to. I see the right hon. Gentleman the Secretary of State for the Home Department, in his answer yesterday, said this was not a matter for the Government, but for the Lord Chamberlain. Now, I am informed that the Lord High Chamberlain has had nothing to do with the arrangements. [Mr. BRUCE: The Lord Chamberlain.] Well, the Lord Chamberlain is a portion of the Government—and it is in the power of the Government to provide places not only for hon. Members, but also for the ladies of Members. I beg now to ask the First Commissioner of Works the Question of which I have given Notice, Whether, in the event of married Members being allowed a ticket for the Thanksgiving at St. Paul's for their wives, unmarried Members would be also allowed the privilege of a ticket for their sisters or other lady; and, if not, upon what ground it was denied them?

Motion made, and Question proposed,
"That this House do now adjourn."—
(*Mr. Montague Guest.*)

MR. AYRTON wished to apologize for not being present yesterday. He was not, however, aware that the hon. Member intended to put any Question on the subject. Now, he did not hold the office of Vice Chamberlain, and, unfortunately, the noble Lord who did was not at this moment a Member of the House. It would be the noble Lord's duty to examine these delicate and interesting questions, and he would be able to deal with them in a manner to which he himself felt unequal. He should be happy to give any information he could; but his right hon. Friend (Mr. Bruce) endeavoured yesterday to satisfy the hon. Gentleman, and he himself could hardly have done more. The hon. Gentleman appeared to think it a logical sequence that if tickets were issued for the wives of Members they should be issued for the sisters of unmarried Members, who, no doubt, took a great interest in the ceremony, and that in the case of a Member having no sister a ticket should be allowed him for another lady. He could not, however, see any such sequence. It had been his duty, in conjunction with the Lord Chamberlain, to consider how much accommodation, consistently with the general arrangements of the Cathedral, could be provided for the use of the House of Commons. They, of course, examined precedents, and found that about 250 or 270 seats were reserved at the last Thanksgiving for the House of Commons. On the Duke of Wellington's funeral 500 were reserved. Considering the interest which hon. Members felt on this occasion, and the best mode of allotting the space, they devised a plan by which the entire space in the northern part of the dome, between Her Majesty's pew on the one hand and the choir on the other, was set apart for the use of the House. Beyond the dome was without the immediate circle of the service, and they thought it would not be agreeable for hon. Members to be placed beyond those limits. They found that 850, and on careful measurement 875, seats could thus be placed at the disposal of the House, being largely in excess of anything ever attempted or accomplished before. It became the duty, therefore, of the Lord Chamberlain to consider how he could appropriate those seats in accordance with the general feeling of the House. The first

consideration was how many Members would apply for tickets. An estimate was made on this head, and the next question was what rule should be laid down for the allotment of the remaining space. Assuming that 500 Members would probably take tickets for themselves, it was clear that a ticket could not be given for one lady to accompany every Member. He was himself in the same position as the hon. Member—that of having only one ticket—and could, therefore, make allowance for the view which he entertained; but the House generally would feel that if there was to be a selection it should be made in favour of those occupying a distinct position of relationship towards the Members of the House, and occupying a position in society as the wives of Members. In the opinion of the Lord Chamberlain they were entitled to the first consideration. But while it was impossible to make provision if an hon. Member were accompanied by a lady, yet the Lord Chamberlain, who was, of course, anxious to do everything in his power to meet the views of hon. Gentlemen who were in the position of his hon. Friend, would be very happy if any hon. Member who was not going to be accompanied by his wife would apply to him for a ticket for any lady whom he might recommend, and the Lord Chamberlain, so far as he had any space at his disposal, would forward a ticket to such lady. More than that was really impossible.

Motion, by leave, withdrawn.

LORD GEORGE HAMILTON asked whether the Government Offices would be closed on the 27th instant, to enable the public servants to participate in the general Thanksgiving?

MR. GLADSTONE: The subject is new to me, and it has not been under my consideration. I am not aware that any order has been made to that effect. The noble Lord will be aware that to close some public offices would be to impose upon a large number of persons a compulsory rule. There are arrangements made for a certain number of the civil servants to go to St. Paul's.

LORD GEORGE HAMILTON: I will put the Question to-morrow, so that the arrangement made can be known.

MR. KENNAWAY asked whether the rumour was true that the Procession

would consist only of the Royal carriages, or whether, seeing that preparations were made everywhere to witness it, it would be attended by the chief State officials?

MR. GLADSTONE said, that unfortunately the Notice that the hon. Member had sent him did not reach him in time to enable him to have communication with the Lord Chamberlain upon the subject. If the hon. Member would put the Question to-morrow, he would endeavour to inform himself in the interval?

COLONEL BERESFORD inquired whether the Custom House would be closed.

THE CHANCELLOR OF THE EXCHEQUER said, there was no instruction to close the Custom House.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL—APPOINTMENT OF SIR ROBERT COLLIER.

PERSONAL EXPLANATION.

SIR ROUNDELL PALMER: Sir, I hope the House will permit me to say a few words by way of explanation with reference to a matter that occurred in the course of the debate on Monday last. It may be in the recollection of the House that when my hon. and learned Friend the Member for Tiverton (Mr. Denman) was addressing the House, he stated, with reference to the Bill which was before the House last summer as to the Judicial Committee, that in the course of the debates on that measure he was asked by some one to place an Amendment on the Paper for the purpose of qualifying the Attorney General and ex-Attorneys General, and also the Solicitor General and ex-Solicitor General, while still members of the Bar, to be members of the Judicial Committee; and he also stated that the gentleman who made the application to him said that such Amendment was thought desirable by several persons, including myself. I now know that which I did not know at the time I interposed. I may say that I came in quickly from another part of the House, hearing my name mentioned, and perhaps did not hear accurately; but I now understand that he added—what I did not catch at the time—that he was told I felt a delicacy about proposing it because I was an ex-Attorney General. I immediately

Mr. Ayrton

felt it my duty to state that that was the first time I ever heard of such a thing, and that the thought of proposing, or recommending that such an Amendment should be introduced, had never crossed my mind. I need not tell the House that I am on the best possible terms with my hon. and learned Friend, for whom I have great esteem. I was perfectly certain that he had stated with accuracy the information which had been given to him, nor could I suppose that anyone would have intentionally misrepresented me in conversation with my hon. and learned Friend. I therefore endeavoured to see whether I could recall to my memory anything which could explain the statement which had been made to my hon. and learned Friend; and it did, soon afterwards, occur to me that there was a possible explanation, which on the same evening I personally communicated to him. He wishes that this explanation should be stated to the House, which I am very willing to do if the House will permit me. It was this—that while the Bill was passing through Parliament, before it came to the stage of the second reading here, I was almost daily in attendance upon the Judicial Committee in my professional capacity. When I am there I am in the habit, like other gentlemen, of talking to my professional friends and brethren whom I meet in the room appropriated for the Bar upon passing subjects of the day, and in the course of conversation with a gentleman, whose name I do not at this moment remember—and I have not asked my hon. and learned Friend the name of his informant—with reference to this Bill, after it was understood that the full salaries of Judges of Westminster Hall were to be given to the new members of the Judicial Committee, I perfectly recollect having expressed my own opinion that I no longer saw any reason for the restrictive qualifications in the Bill, and having said I was disposed to think that all persons whom the Queen has power to appoint Judges in any of the Superior Courts of Law or Equity should be equally eligible for these new appointments. This is, as far as my memory goes, what I said. No man can pretend to recollect the exact words which passed in such a conversation. What I said was not confidential. Those who heard it were perfectly at liberty to repeat what I

said. And I do not intend to impute to any person any intentional misrepresentation. But if I was supposed to have expressed an opinion in favour of so limited an enlargement of the qualification as that which would admit only past or present Law Officers of the Crown, while still excluding all other members of the Bar, I was much misunderstood. During the conversation the effect of the present qualification was noticed as excluding all members of the Bar, and I perfectly remember I did say that for that very reason, because there might be people who might think I might myself be ambitious of the situation, I would not take any part in suggesting any alteration of the measure. I certainly did not intend that any request or suggestion should be made to anyone else to do what I was unwilling to do myself; and until my hon. and learned Friend spoke I was not aware that anyone had done so. This I can assuredly say to the House—that if I have been supposed to have expressed an opinion in favour of a limited enlargement of the qualification so as to include only officers and past officers of the Crown, and nobody else, I was entirely misunderstood, as I was if it was supposed by anybody that it was my wish that any step should be taken in consequence of what I had said.

MR. DENMAN: The explanation which my hon. and learned Friend has been kind enough to give is perfectly satisfactory to me, because it is very clear to me that that which he remembers now is the conversation which gave rise to the report referred to by me in the words I spoke the other night. I believe he did not hear at the moment the words I quoted alluding to his unwillingness to propose an Amendment himself, which have since brought back to his recollection that a conversation had occurred which I have not the slightest doubt was the conversation which was represented to me in the shape in which I quoted it. Allow me further to say I must apologize to my hon. and learned Friend for having quoted his name in the House without having given him Notice I would do so. I really had no intention when I rose to mention his name. It was not until I heard some ironical cheers that I went more into detail than I intended.

SUPPLY—ARMY ESTIMATES.

SUPPLY—considered in Committee.
(In the Committee.)

MR. CARDWELL: It is impossible, Sir, to introduce the Army Estimates without some reference to figures, and some remarks on details which are necessarily dry and tedious; but I will endeavour to spare your patience as much as possible, and only to refer either to figures or details when I think you will wish to hear them in order to the understanding of what I desire to lay before you. I shall begin by assuming, and shall not labour to argue, that you are of the same opinion now that you were last year—that you do think that an Army is necessary for the defence of this country, and that you do desire "to combine together in one harmonious whole" all the forces to which, under the Votes of Parliament, you contribute. I shall also assume that you still adhere to the cardinal principles you established last Session—that you intend our service to be not a compulsory but a voluntary service, that you are satisfied with the abolition of purchase [“No, no!”]—well, the satisfaction, if not unanimous, is at least very general—and that you are satisfied also with the transfer of power from the Lords Lieutenant of counties to the responsible Minister of the Crown. It will be, I dare say, in your recollection that the Royal Commission upon Recruiting, which reported in 1867, found these peculiarities in our position. They said that we existed from hand to mouth, with no forecast for the future—that an Army of Reserve had been attempted to be constructed, but had proved a decided failure; and that not the least cause of the unpopularity of service in the Army was the circumstance that a soldier was compelled to spend at least two-thirds of his time on foreign service. The first measure which we took when we came into office was to reduce the number of the regiments of the British Army serving in foreign parts. The Estimates now on the Table propose to have an equal number of battalions at home and abroad. The next step that we took in 1870 was to introduce a system of short service, without which it is impossible that any real Reserve can exist. And last year we abolished the system of purchase, intending in the course of the present year to lay before you what we hope will be a satisfactory scheme, for the

purpose of uniting and combining together all the forces to which we contribute out of the Votes of Parliament.

I will first, before proceeding any further, state the changes which the present Estimates exhibit. The total Estimate for last year was £15,851,700; the total Estimate for this year is £14,824,500, being a saving of £1,027,200. If you take the net amount last year—that is to say, £14,697,700, and deduct the net amount this year, or £13,582,000, you will find that the reduction is £1,115,700. The difference is due to a more accurate valuation of the non-effective services between us and the India Office, giving, therefore, an advantage on the net estimate over the gross estimate in favour of the British Treasury. There is, however, no substantial reduction in men or matériel. As regards matériel, I stated last year that there would probably be a reduction to only about the amount that there actually is, on account of our being then engaged largely in arming the auxiliary forces with breech-loaders, getting up a store of sea torpedoes, altering siege and field artillery, and various other matters which my right hon. and gallant Friend the Surveyor General of Ordnance (Sir Henry Storks) will explain when the particular Vote comes on. The reduction in money would have been greater than it is if it were not for a circumstance which may, perhaps, be satisfactory to the Committee as illustrating the general state of prosperity of the country, but which, of course, operated in increasing our Estimates—I mean the very high price of everything that we have to purchase for the use of our Army. Provisions, iron, fuel, clothing, in short, everything that we are called upon to buy, costs a very much higher price than before. Besides, in the Store Vote are included armaments of various kinds—the cost of which will cease when the works are fully armed—as well as several great works, such as those of Bermuda, which will terminate in a few years. The total numbers for 1872-3 are 133,649 men as compared with 135,047 in 1871-2, or 1,398 fewer. The number is not materially altered; but there is a slight reduction on account of the re-distribution of the forces, giving us at home seven battalions of Guards and 18 battalions of the Line first for service, consisting each of 820 men; 18 battalions of 700 men next for service, and 35 of 520,

being very nearly that number of 500 which we have often heard spoken of as the proper number for a battalion on the peace establishment. The present Estimates add 500 to the Army Service Corps, and 336 to the Army Hospital Corps, which has been re-organized in conformity with the recommendations we have received. Two Madras regiments, numbering 1,760 men, have been returned to the India Company; and Hong Kong and Singapore will be garrisoned exclusively by troops on the British establishment. We have, therefore, I may say a far larger effective force at home than it had ever been our practice to retain in time of peace; but that these forces are not maintained at a larger cost than is now incurred is due to the policy of concentration which we have pursued, in bringing home troops from the colonies and using them for the defence of this country. I am sure that it will be agreeable to the Committee to know that that policy, while it will be found to be conducted with generosity and liberality as regards the terms on which we have withdrawn from individual colonies, has been accompanied on the part of the colonies by a spirit of self-reliance and a readiness to enter into measures for their own defence, which is both highly creditable to them and highly satisfactory to those who regard the strength and power of the Empire. Canada, for instance, has a force on foot in time of peace of 44,000 men, armed with Sniders and well equipped, and last year 37,000 of them were out in camps of exercise.

I will now pass on to speak of the question of enlistment, not the least important point in dealing with the Army Estimates, because it touches the first of the three cardinal principles which I consider to have been established last year. You were determined that you would not resort to compulsory service, but that you would have voluntary service, and you are naturally anxious to know how it has worked during the year past. The Army Reserve, which my right hon. Friend (Sir John Pakington) last year called "a ridiculous little force with a pompous appellation," only mustered about 1,000 men when we first took it in hand; but now numbers a few more than 7,000, and we propose in the Estimates of the present year to raise it to 10,000. That, however, is entirely exclusive, of course, of

the new system of enlistment for short service, because no person enlisted for short service has gone into the Reserve. There were 2,000 men who passed from the Army into the Reserve last year; but that is quite a different matter from men enlisting for six years and then passing into the Reserve. The number of these men now in the Army is 13,497. The Committee will not be surprised to hear that of late recruiting has rather fallen off. It would be strange if it were otherwise, when the town is placarded with announcements of wages of 3s. 6d. a-day and railway fare for those who would go to the place where the employment was offered. If that circumstance did not produce some effect on recruiting it would, as I have said, be singular. But I am about to lay before you, as usual, the Report of the Inspector General of Recruiting, and I think you will read it without any feelings of discouragement, or any notion that you are likely under the voluntary system to want recruits for your Army. You will find that there is a remarkable adaptation of the supply to our demand. As I have said, 2,000 men passed during the year from the Army into the Reserve; but the numbers that entered the service during the year were 23,568, the largest number since 1861, with one exception, the year 1870, when, on the outbreak of the German War, there was naturally some excitement, and then you got a few more—namely, 24,594. All the establishments are filled up, or nearly so, with the exception of the Artillery, and I desire those who are constantly saying that short service discourages recruits to take notice that we have not failed in recruiting for the infantry, to which short service applies, and that the only force not filled up is the Artillery—a force to which short service has not yet been made applicable. However, the fact I have mentioned does not show that we cannot get men even for the Artillery. It is due to the circumstance that we made an unusual addition to the Artillery last year, and that we have only yet raised a portion of the men for whom we obtained the sanction of Parliament. We readily obtained drivers; but the strength of a gunner is a peculiar qualification, and gunners can be obtained less rapidly than men belonging to the other branches of the service. We have, however, enlisted a considerable number, and I have no doubt that, in the course of

the present year, the whole number will be easily obtained. Last year many hon. Members were nervous about our recruits. They said these recruits were a very poor lot; were very young; would die like flies; and I do not know what besides. I could then only give my opinion to the contrary; very naturally gentlemen preferred their own opinions to mine; and therefore I was left in a minority among those who spoke upon the subject. We have now, however, the Report of the Inspector General of Recruiting, who speaks most favourably of the recruits, and says they give promise of making good effective soldiers. The reports of the commanding officers as to them are most favourable. Their average age is above 19; it seems that in the Autumn Manœuvres there was no perceptible difference between them and the older soldiers in undergoing labours which certainly were not inconsiderable, and that where there was any difference it was not to their disadvantage; and the number invalided was very small, less than 14 per 1,000, a number which bears favourable comparison with civil life. I will not pursue the remarks of the Inspector General, but his Report is not a one-sided Report; he points out what he considers subjects of discouragement as well as those which are more encouraging; and I shall lay his Report upon the Table, commending it to your careful attention.

The Militia, for which 139,000 men were provided last year, has not yet reached that number. The number in the last Return placed before me was 112,028, so that 26,972 are now wanting. To my mind, however, this deficiency is not a source of any discouragement. In the first place, you will find by-and-by, if you listen to what I lay before you, that we shall propose new measures with regard to recruiting both for the Line and the Militia, which, I trust, will prove satisfactory. In the second place, the number was of course not fully made up in Ireland; because the Irish Militia, as everybody knows, had not been trained for several years, and you could not expect that in the first year of training the numbers would be complete; but enrolments have gone on rapidly, and the reports are very satisfactory. Then, again, the Militia in England and Ireland, which in 1869 only gave to the Army 2,226 men, has in this year—and here is a most encouraging fact—given 8,194 men,

of whom 6,836 are from Great Britain, and 1,358 from Ireland. Then there is another reason why the number is not completed; and it is a reason which I am sure the House will approve. I declined to give encouragement to recruiting in the winter, which is usually the best time for recruiting, because it would have entailed the necessity of putting men into billets. I think there is nothing more objectionable, on every ground, than the system of billeting. I did not think it was worth while, for the purpose of making a better show at the close of the year in recruiting for the Militia, to resort to this system. In one case, I believe, it was allowed; but generally I set myself against the practice. The time for enrolling is just before training, and the enrolments are going on very well. Over 8,000 Militia were enrolled in January, and I do not doubt that the numbers reported by the commanding officers will be made up. I am happy to say that nothing can be more gratifying than the reports from Ireland with regard to the Irish Militia. They speak of the strength of the force, of the great anxiety of the men to learn their duties, and of the success of the training. They state that not a single case of Fenianism has occurred; that the men are particularly quiet and orderly; and that the Lord Lieutenant has personally inspected 22 regiments, and has thereby given the force great encouragement. I may mention another circumstance. Three years ago the great difficulty with regard to the Militia was that you could not obtain subaltern officers. There was then a deficiency of 487 subalterns. Now the contrary is the case, and upon the whole the balance shows 86 supernumerary subalterns. I attribute this fact not exclusively to the small concessions made in providing a little less meanly for officers in the Militia, but much more to the announcement that satisfactory conduct for two years in the Militia will be the passport for a limited number of officers to commissions in the Line. Both for the advantage of the Army, and also for the convenience of the public purse, we now propose to allow a limited, but not a small number of captains of the regular Army who have served 12 years to go, if they please, on half-pay for 10 years upon condition of their joining the Militia of the county to which they belong. I am assured, by officers of the highest ex-

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perience and knowledge of the service, that this is a concession likely to be exceedingly acceptable to many gentlemen who wish to marry and settle in their respective counties; and as they cease at the end of 10 years to have any further claim upon the public purse, the arrangement will be an economical one. In the event of the embodiment of the Militia, they will be eligible for retransfer to the Line, in which case they will count their Militia service towards pension, retirement, or promotion. But if we live—as I hope we shall live—in times of peace, and it is not necessary to embody the Militia, these officers will at the expiration of the 10 years cease to have any claim upon the public in the shape of half-pay or retiring pension. As to Militia officers, we propose to require that they shall qualify by examination for promotion to the rank of captain and field officer, and that commanding officers shall be superannuated at the age of 60, and other officers at the age of 55, always excepting those—and I hope they will be numerous—whom the general officer commanding may recommend on the ground of special fitness to be continued notwithstanding their age. The schools of instruction which were established a little more than a year and a half ago have been very popular, both with the Militia and the Volunteers. Several Friends of mine in this House, who have attended those schools, have described to me what occurred there, and I gather that the instruction given is very satisfactory. At any rate, 270 Militia and 503 Volunteer officers have received certificates from these schools, and the total number of Volunteer officers and non-commissioned officers who have obtained certificates of proficiency to December 1 was 10,630. The Volunteers show an increase of 1,948 efficients upon the year, and 3,960 extra-efficients. The Yeomanry have been reconstituted under the new regulations. Two single troops and one small regiment have been disbanded; six regiments have raised additional troops; and the establishment is now rather more than 2,400 below the number. The first-class Army Reserve is, by the last Returns, 7,165, and the Militia Reserve 28,303—making a total of 35,468 men liable to serve abroad. We have therefore attained what had not been attained in 1867—we have to some extent a real Reserve.

The number of men I have mentioned will raise the whole of our battalions at home to 1,000 strong if an emergency were to arise. The second-class Army Reserve men and the enrolled Pensioners make up a total of 25,400. I stated last year that they were 30,000, and the statement would be quite accurate if I repeated it now; because, though I do not intend to take a Vote for more than 25,000, inasmuch as only 25,000 men have joined the second-class Army Reserve, a Return, laid on the Table a short time ago, shows that a considerably larger number of pensioners are liable to come out upon proclamation, and would be well able to serve the country in garrison. The whole upshot, therefore, is that we have close upon 300,000 men, if you reckon Regulars, Militia, Yeomanry, and Army Reserves and Pensioners. If you add the Volunteers, it will give the number as 467,000, while the number liable for service abroad will be 146,500. That is the numerical account I have to give of the present state of the different forces. I have said that the first of the cardinal principles you laid down last year was that our Army should be raised by means of voluntary enlistment, and I think I have shown you that there is no reason to apprehend that the spirit of this country is not adequate to supply by such means our military requirements.

I will now pass on to the next question, and say a few words on the subject of purchase. Some hon. Gentlemen were in the beginning of November in very pleasant places, occupying themselves with very agreeable pursuits. It was, however, the duty of some other persons to be in the gloomy regions of Pall Mall, and at the end of October and beginning of November I happened to be one of those persons; and with regard to the effect of abolition of purchase, you may imagine that that gloom must have been almost insupportable by me, when rumours met me every day of the great exodus that was taking place from the British Army; that the officers and the Consolidated Fund were disappearing together, and that we should hear no more of either. But let me tell you what is the actual state of things. It is quite true that a large number of purchases were made just before the termination of the old system. It would, indeed, be singular

if it were otherwise. It is also true that immediately afterwards there was rather a large number of sales. I presume that some who desired to sell, not having made their market under the old system, found it convenient to have recourse to the Purchase Commissioners. However that was, I have the satisfaction of informing the Committee—and I commend what I am about to say to the notice of those Gentlemen who are always making dismal predictions about the enormous extent to which they say I understated the cost of the abolition of purchase—that I understand a very considerable part of the money voted this year will be repaid into the Exchequer; while, with respect to the next year, I have the comforting assurance that instead of the actuarial calculation which I laid on the Table, amounting to £1,160,000, the Army Purchase Commissioners are sending demands to the Treasury for only £853,000, being 25 per cent less than the calculation which I have just mentioned, though, of course, I cannot say positively that the amount will be sufficient, for no subject is more uncertain than these calculations connected with purchase; but it is the estimate which the Army Purchase Commissioners, with experience before them, have thought it right to propose. I may add that my right hon. and gallant Friend sitting beside me (Sir Henry Storks) tells me that while the system of purchase continued a great number of officers were anxious to enter as probationers into the Control Department, and that since purchase was abolished—I do not say it is cause and effect—a great number of those gentlemen have expressed a desire to return to their places in the Army, and to forego the advantages of the Control Department. The Warrant, I may add, which was issued in October, and by which the Army was to be governed in the abolition of purchase, was framed strictly on the principle which I mentioned in the House last year. That is, the principle of seniority, tempered by selection. It was not intended to give undue preference; but that every appointment and promotion should be given to thoroughly competent men. The separate grade of cornet and ensign is to be abolished, and the sub-lieutenant was appointed to be a probationer only, and if at the end of three years he is not qualified to be a lieutenant, he will

retire into private life, without having any claim whatever on the Treasury. We are obliged to wait for two years before we can introduce the new mode of entering the Army, and this is the explanation of the delay. In 1870 we made a considerable reduction in the number of the officers of the Army. There were, therefore, fewer vacancies to be filled up for some years to come. There was, at the time, a large number of candidates on the list of the Commander-in-Chief. They were all examined in an examination so far competitive that they were placed in the order of merit by the examiner, and those who passed will all receive their commissions in the order in which they passed, provided they are within the limit of age. Many have been at Sandhurst in the interval, and I mention this merely to show the necessity for some delay before we can begin with the new system. The sub-lieutenant, then, must qualify to be a lieutenant within three years, or else retire into private life and cease to be an officer of the Army. The lieutenant is to be either appointed from the sub-lieutenants or from the Militia, if he is recommended by the commanding officer, and that recommendation is approved by the general officer. In that case, he will have to pass the same professional examination which is required of non-commissioned officers when they receive commissions in the Army, and the same in general subjects as our Indian cadets. Lieutenants must, within five years, pass a qualifying examination for captaincies, or be removed; and captains must pass a qualifying examination for majors. Majors are appointed for five years, eligible for re-appointment; and lieutenant-colonels for five years, also eligible for re-appointment. In order to preserve the regimental system wherever a vacancy arises from a cause not purchasable, it is *prima facie* to go in the regiment except in the case of the lieutenant-colonel. Thus there is a test of merit from the first commission to the highest regimental place—the command of the regiment. I do not know whether I shall hear that these arrangements give any dissatisfaction to those whom they affect. I do not expect that that will be found to be the case. Now, if a young man ought not to be excluded from the Army by being obliged to purchase, neither, on the

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other hand, ought he to be, it seems to me, excluded from it because the course of life in the Army is so extravagant, that he would find himself unable to meet the expense. We have, therefore, directed our attention to the question of expenditure. We have made provision, as regards the sub-lieutenant, that his clothing shall not be of an expensive, but of a simple kind, and that, if he is in the cavalry, he shall not have to purchase an expensive charger, but that his horse shall be provided for him at the public cost. With respect to bands and messes, a larger question arises. Nothing is more difficult than to enforce a sumptuary law. It is very easy to lay down such a law, but it is very difficult to enforce it. We have thought it our duty to make an attempt to do so. I have, therefore, placed on the Estimates a very small sum for reducing the amount hitherto paid by officers to Kneller Hall, and a larger sum for the purpose of relieving subalterns from any contributions whatever to bands. It is, I may add, the intention of the Field Marshal Commanding-in-Chief to issue regulations with regard to the expenses of bands and messes, which I think will be found to be efficacious. The reason why I am of that opinion is, that it is not intended that they shall be merely laws engraven on pillars, to be observed or neglected by the passer-by as he happens to like, but that it shall be obligatory on the commanding officer of the battalion to take care that these regulations are enforced. It was, I may add, impossible for us to issue our Warrant at the end of October without taking into consideration what was to be the future position of the Guards. The Warrant, however, did not touch that question; and, as it was reserved, I will now state what are the intentions of the Government with respect to the future position of the Guards. We considered the question from two points of view, as it concerned the splendour and dignity of the Crown, and as it affected the welfare of the Army. With respect to the first point, I am sure that no one will desire that we should interfere. With regard to the second, it will probably accord with the feeling of the House that exceptional privileges shall no longer be maintained, and that a system of equality shall prevail throughout the Army. The way in

which we propose to carry into effect this principle is this:—In the Household Cavalry there is at present only one officer holding exceptional rank—that of major and lieutenant-colonel. He is an officer who, by Court arrangements, is placed in immediate attendance on the Sovereign; and, if I am correctly informed, the post is almost invariably given to an officer who, by seniority, would be entitled to the higher of the two ranks. With his position, therefore, it is not proposed to interfere. With regard to the Foot Guards, all privileges are to be abolished, as far as those are concerned who enter after the 26th of August, 1871, excepting that the brevet rank of colonel will be given to the commanding officer of the battalion, in consequence of his being in immediate attendance upon the Queen. Exchanges with lieutenant-colonels of the Line are not allowed to captains and lieutenant-colonels of the Guards, nor is promotion to the command of a battalion of the Line to be given to any but mounted officers, who stand in the same position as majors, and who, like other majors, must qualify for promotion. All who entered after the 26th of August, 1871, are to be on the same footing as those who entered the other branches of the Army. I should say also that the colonels of the Guards will be allowed to choose their own nominees for sub-lieutenancies, subject, however, to the same competitive examinations as those imposed upon candidates for that position in other branches of the service. The general promotion in the regiment will be the same as in the Army generally, and will be regulated by the Warrant of the 30th of October. Then I come to the Royal Artillery and the Royal Engineers, and in their case it has long been evident that something must be done to secure better promotion. A Select Committee, presided over, I believe, by my right hon. Friend the Member for Pontefract (Mr. Childers), took up this question a few years ago, and recommended a system of retirement for these corps. But if a better system of retirement was needed before the abolition of purchase, there could be no doubt that it was still more necessary now, because if you place these two distinguished corps at a disadvantage with regard to promotion, as compared with the other branches of the Army, men would not be so willing to

enter those corps; but when entry into the whole Army is equally free to all, it is manifest that if you expose them to disadvantage as compared with the others you will find you will have no Artillery and no Engineers. That being the case, we have taken the subject into consideration. In 1870 I made a reduction in the number of subalterns, with a view particularly to the question of retirement, because it must be evident to every one that when you have to provide retirement for a certain number of men, the more you bring in at the bottom the more you have to find retirement for at the top. I diminished, to a certain extent, the number of subalterns with an express view of the question of retirement; and I asked Mr. Vivian, whose absence I much regret, to look into the question with the Accountant General for the purpose of reviewing the subject and of considering the best mode of providing for the Artillery and Engineers. They did so, and reported that it would be far better to pay men for staying in the Army than to pay them for going out. If you invite men to retire voluntarily at an early period, though the annual payment in the case of a young man would be small, it would amount to a large sum if capitalized, and you would probably run the risk of losing those only whose services were valuable in the market, and of retaining those with whom you might not have been unwilling to part. We have given the subject very careful consideration. Last year I asked the Committee to vote, and they did vote, a sum of £5,000, to be expended in exceptional retirements. That was because there was an exceptional pressure at a particular place in the list, due to the large number of cadets who entered the service immediately after the Crimean War and the Indian Mutiny. I do not mean to say that an exceptional remedy may not be the best mode of meeting an exceptional case; but I concur with the Government actuary and Mr. Vivian that it is better in a seniority service to proportion your ranks than to pay men annuities. It is more economical and more satisfactory; but how is this to be done with respect to the Artillery? Now, what is the Artillery? Is the command of a battery of artillery a post not worthy to be occupied by a field officer? In France and Russia, I un-

derstand, the command of a battery in the field is assigned to a field officer; and though in Prussia it is placed under a captain, yet a captain there is a mounted officer. We think that the command of a battery in the field-looking to the immense importance of artillery in the warfare of the present day, and looking at the Order recently issued by the Commander-in-Chief, that artillery is to act more independently for the future—we think that the command of a battery may very properly be assigned to a field officer. Having, by the expenditure of the £5,000 voted us for that purpose last year, and by the introduction of a certain number of lieutenant-colonels of Artillery into the Reserve forces, brought the state of promotion in the Artillery into a more satisfactory condition, we now propose to establish the rank of major in the Artillery with a pay and position similar to that of major in the Line. The Deputy Adjutant General of Artillery is satisfied that the number of officers and the proportion of officers in the battery, if the officers are present, are sufficient; but if they are brought away for Staff or other purposes, the number is insufficient. Therefore, we propose that all officers employed in other services than those of their battery shall be supernumerary. This promotion will for the moment bring the Artillery up to what my right hon. Friend opposite (Sir John Pakington) would call his standard period; but the question whether the promotion will remain in a satisfactory state, must depend upon how we deal with those above the rank of majors—namely, the lieutenant-colonels and colonels—and to this I shall again have to refer when I come to speak of the Reserve forces. I cannot say that these alterations will be immediately carried into effect—or within the course of two years—for it will depend considerably on the consideration whether the immediate application of the principle would give the captains of the Royal Artillery an undue advantage over any portion of the officers of the Line. An additional charge in the Estimates this year of £14,800 has been included to provide for the elevation of the captains of Artillery to the rank of major. The £42,000 which is now assigned to retirements in the Royal Artillery is no longer to be disposed of in annuities of £600—a system which was

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highly improvident as regards the public, and to which we intend to put an end. It is probable that hereafter annuities of £600 will have to be given to officers after 40 years' service; but it is evident that officers of 30 years' service are taking more than their share of the public money when they retire on annuities of £600; and we propose that, so far as the £42,400 is concerned, it shall be given, as the corresponding sum in the Line is given, to officers of 30 years' service, retiring on the pay of their respective ranks. We had some discussion last year about the brigade system, and I was asked to look into the brigade system of the Royal Artillery. I am not, however, prepared at present to state the result of the inquiries which have been made in that respect. The Adjutant General, assisted by the Director of Artillery and the Deputy Adjutant General of Artillery, has collected authentic information on the subject. I have not yet received his Report; but I am told that the opinion which has been arrived at is not favourable to the simple abandonment of the present system, and to leaving the arrangement to consist simply of units of batteries. As soon as I receive the Report I will lay it on the Table of the House. That is what I have to state in reference to the Royal Artillery. In the case of the Royal Engineers the matter is much simpler. No question arises there as to whether a battery is a field officer's command or a captain's command. The nature of the service of the Royal Engineers admits of proportioning your ranks so that you may give what promotion you desire. We propose, therefore, to give them a promotion equivalent to that which I have spoken of with regard to the Royal Artillery; and, for that purpose, a sum involving a total increase this year of £9,200 has been included in the Estimates.

Now, Sir, I come to consider the larger question, which is really the interesting question of the time. How are we to unite and bind together the various forces to which Parliament contributes? I have shown you that we have brought home a larger number of troops; that we have increased the Militia; that we have introduced short service; and that we have begun to establish a Reserve. The question is, how

to combine the whole of these various forces into the best system of military defence? It is a question very different from that which they have had to solve in Prussia. We can have neither the same tactical combination, the same permanent residence, nor the same local equipment. We have to deal with a voluntary enlistment, with a migratory population, with a fluctuating labour market, and with a large amount of foreign service, which, as I have shown, occupies one-half the battalions of the Line; while the position of our garrisons in the southern parts of the country renders it necessary that the larger portion of our Army should be assembled there. The object we have in view is simplicity of arrangement; but it is evident that this simplicity can only be attained by degrees; for we have to unite a number of systems, each in its own nature complicated, and we are compelled to do that, not by clearing away everything and beginning from the foundation—for we cannot rudely displace existing interests—but by combining different bodies in such a way as to form them into one harmonious whole. It would be comparatively easy for an architect to pull down everything and build again from his own design; but it is a very different undertaking to deal with a number of buildings of different styles of architecture, to leave them all partially standing, and yet to produce an edifice which shall not be inharmonious, and which shall be suitable for its purpose. An Order in Council has been passed, under the Act of last Session, by which on the 31st of March the powers of the Lords Lieutenant will cease, and the management of the Reserve Forces will be vested in the Ministers of the Crown. I have always said that localization was the object which we should seek to attain, and the question is what localization means as applied to ourselves. It is evident that it does not mean literally and exactly the same thing as it does when applied to Prussia. Our people do not always live in the same place, but migrate in search of labour. Our troops do not remain in their own country, they go to India and the colonies; and when they take part in a war they are moved by railway not to the seat of war, but only to the place where they have to go on board ship, and then are carried by vessels to some other country, where

they have to disembark and find a new base of operations. With us, therefore, localization means identification with a locality for the purposes of recruiting, of training, of connecting Regulars with auxiliaries, and of connecting the Reserves with those who are actually under the standards. We believe that the principle of localization, wisely carried into effect, will attract to the standards classes which do not now join them; will spread abroad a knowledge of the advantages which are offered by service in the Army; and will associate the Army with ties of family and kindred. It will induce men from the Militia to join the Army, and it will destroy competition in recruiting between the Army and the Militia. All these advantages, we believe, it will combine; and we desire to establish a local connection with regard both to officers and men. The sole object of any military system in time of peace must be to provide for a state of war, and the test of any peace organization must be its power—first, to place in the field immediately on the outbreak of war in the highest state of efficiency as large a force as is possibly compatible with the peace military expenditure; and, secondly, when we have placed that force on foot, to maintain it undiminished in numbers and efficiency throughout the continuance of hostilities. Sir, the principles on which we propose to localize the Army were stated by me just 12 months ago with as much clearness as I could hope to state them if I repeated them now. In the interval, I have communicated on the subject with His Royal Highness the Field Marshal Commanding-in-Chief, and I shall lay on the Table a Memorandum by him of the mode in which, after much consideration, he thinks it is best to carry out those principles. The details of the question were referred to a Committee most competent to consider the subject, at the head of which was placed General McDougall, who has had so much to do in organizing the defensive force of Canada. The principle is the local connection of the Army under a general officer commanding the military district. The Committee are probably aware that the tactical unit is a battalion of eight companies. In our service every battalion contains 10 companies; it is, therefore, obvious that if you associate two

battalions together you have out of 20 companies two battalions of a tactical strength of eight companies, and four companies which you can make into a third battalion or a dépôt. Many of our regiments are suitably formed already—that is to say, they possess second battalions, and the men are enlisted to serve, not in either battalion, but in the regiment. There are other regiments, however, consisting of only one battalion, and these battalions are altogether separate entities, and have no inter-communication with each other. The essential idea expressed in the Memorandum on organization by His Royal Highness the Field Marshal Commanding-in-Chief is that of territorial districts, each to contain two Line battalions, two Militia Infantry battalions, and a certain quota of Volunteers, formed into an administrative brigade, the whole to rest on the brigade dépôt or centre. I have shown you that there is an equality in the number of the battalions at home with those abroad, and it is intended that of two Line battalions united in one brigade one shall be always abroad and one always at home. The two Militia regiments will be associated with them in the same brigade. At the head of the whole will be placed a lieutenant-colonel of the Regular Army acting as brigadier, and commanding-in-chief not only the Regulars and Militia, but also the Volunteers of the district. The permanent Staff of the two Militia regiments will be associated with the local dépôt, and eventually, when the present interests cease, the new permanent Staff will be appointed from the battalion which constitutes the dépôt, so that if they are unsatisfactory they can be sent back to their regiments, and they will always be in the highest state of military training and efficiency. They will be an addition to the Staff of the local centres. All recruits, both for the Line and the Militia, will be trained at the local centres, and the whole of the recruiting will be under the supreme direction of the lieutenant-colonel who commands the dépôt. The Army Reserve men and Pensioners resident in any brigade district will be attached to the dépôt centre for the purposes of payment, training, and discipline. It is proposed to store all the infantry, Militia, and Army Reserve arms, clothing,

&c., at the dépôt centre; and, as a general rule, to train the infantry Militia battalions under canvas at their respective dépôt centres, which will be their natural head quarters. All Line and Militia recruits will, immediately on being raised, be sent to the brigade dépôt for their recruit training. Nothing in these proposals is to be interpreted as diminishing in any manner the control hitherto exercised by Militia commanding officers over their respective regiments during the non-training periods of the year. The head-quarters of the regiments will, by this scheme, simply be transferred from one place to another. I shall lay upon the Table a complete account of the organization, and I shall be disappointed if you do not think it has been ably drawn up by the Committee over which General McDougall has presided. The proposal is, that there should be a convenient number of districts taken in reference to the strength of the Militia, and we have come to the conclusion that 66 will be a convenient number. In Scotland we propose that there shall be nine for 18 battalions. In Ireland there are at present only seven battalions connected with the country by name and local association, but the number is obviously insufficient. Therefore, we propose to add nine to the existing seven, so as to make the number 16, and to give them eight military districts. The remaining 49 districts will be in England. The Committee is, of course, aware that, under the Act of last year, the law of *quotas* has been abolished, and that we have the power of raising the Militia without reference to the *quota*. Now we find that, considering the altered population, the old *quota* is not in due proportion, and therefore, to a limited extent, a larger number will be drawn from Scotland and a smaller number from Ireland. It will be remarked that there are 71 battalions of the Line in this country, and that we only propose to have 66 local centres. The difference is accounted for by this circumstance—that the Rifles and the 60th we intend to leave with their own separate organization, and then, like the Guards, they will be outside this arrangement, which embraces the whole of the other battalions of the Army. The result of the system, when brought into complete operation, will be that, in all the districts of Great Britain and Ireland, one Line battalion

will be always abroad and the other battalion always at home. The object sought to be attained by this arrangement is, that the battalion at home may serve as a feeder for the supply of casualties in the twin battalion of the same district serving abroad. This arrangement is comparatively simple as regards the double battalion regiments. The men are enlisted not for the battalion but for the regiment, and the officers are exchangeable between the two battalions; but as regards the regiments which consist of only one battalion, there are difficulties in linking the two battalions together. First, as regards the men now enlisted we cannot make any alteration without the consent of each individual soldier; but we propose to enlist in future not for the battalion, but for the brigade, and to establish a common interest between the two regiments. With regard to the officers the case is different. It might, perhaps, be more agreeable to them to remain on the separate roll, or, on the other hand, it might conduce to their convenience to make them interchangeable. This subject, however, is so fully discussed in the Report I shall lay before you that I need not dwell on it further. In the arrangement which I shall lay before you, these things have been considered—the connection of each regiment with any other regiment, the connection of both with any particular locality, the having one always abroad, and one always at home, and the desirableness of disturbing the roster as little as possible. The arrangement which the Committee have recommended will not disturb the roster to any inconvenient degree, for it provides that no regiment shall be sent abroad till it has been six years at home. It has also been considered that some districts will furnish more than their *quota* and some less; and, therefore, although the principle of localization will pervade the system, it will not be a principle wholly without exception, because a regiment will be allowed to recruit at its headquarters, under certain regulations. It has also been found to conduce to the efficiency of the Army that regiments should not be drawn exclusively from one portion of the country, but that there should be an admixture in battalions of English, Irish, and Scotch. Now, it is quite possible, while preserving in the main all the ad-

vantages of a local system, to lay down regulations by which you will obtain the desirable admixture of natives of each of the three parts of the United Kingdom. And here let me state what the effect will be, as you will find it developed in each of the 66 districts. In each district there will be a dépôt battalion and two Militia battalions, in such a state of preparation that the Line battalion of the brigade at home could be put at once upon a war footing, while at least one other Militia battalion would be ready for immediate embodiment, and the dépôt would remain in a state to raise and train recruits, and to furnish the required reliefs. You will find all those matters referred to in minute detail in the Papers which I shall lay upon the Table. I have as yet spoken only of the Line and the Militia; but everybody knows that there is another force not less important—I mean the corps of Artillery. We have already drawn from the Royal Artillery 10 lieutenant colonels, and trained them specially at Shoeburyness, who have been sent to 10 districts for the purpose of instructing the Militia Artillery and the Volunteer Artillery in the latest improvements in the science. We have already divided the country into Line districts, and we propose to divide it again into Artillery districts, which will be either coterminous with or included within the general officer's command. Scotland, for instance, which is under one general officer's command, will be subdivided into two districts, and so will the Northern and Western districts. All the Artillery in any general officer's command will, subject to the supreme control of the general officer, be under the colonel of the Royal Artillery commanding in that district. A lieutenant colonel of the Royal Artillery will be appointed for the Militia and Volunteers. The adjutants will be supernumerary captains of the Royal Artillery, while the permanent Staff will consist of non-commissioned officers of the Royal Artillery, who, as I said before, can, if they fail in their duty, be sent back to their regiment, and others of better character put into their places. The Militia Artillery regiments are to train whenever the means exist. The recruiting for the Royal Artillery will be under the direction of the lieutenant colonel. It may, however, be asked—As your great object is to prevent competition in recruiting,

and to cause all recruiting, both for the Regular Army and for the auxiliary forces, to be carried on under the same administration and control, how can you consistently have two kinds of recruiting going on simultaneously in the same district? The answer is, that a very small number in proportion of Artillery recruits will be required, and that the authority of the general officer commanding the district will prescribe the number to be recruited. For the Militia Artillery, recruiting will be conducted according to one of two alternative plans, which are described with great particularity in the Report. I think I ought not to occupy your time by detailing the differences between these plans; but one difference is, that, according to one of them, the permanent Staff will be at the brigade head-quarters, while, according to the other, it will be at the infantry local centre. The probability is, that one plan will be found more economical in some cases and the other in others, and there is no reason why there should be absolute uniformity of system. With regard to the cavalry, the same powers of combining the two forces do not exist. The cavalry is a comparatively small force, and the Yeomanry more properly belong to the organization of the Volunteers than to the organization of the Militia. Then the privates in the Yeomanry are not men who are likely to enlist in the cavalry. The connection, therefore, between the cavalry and the Yeomanry will be limited to this—that the adjutant of the Yeomanry will be a supernumerary officer of a cavalry regiment, and that the permanent Staff should also consist of non-commissioned officers of cavalry regiments. The object of this is to have none but efficient men, and if it should be found that an adjutant or sergeant is inefficient he can be sent back to his regiment and a more efficient officer put in his place. We also propose that a certain number of cavalry officers should be allowed to go on half-pay and join a Yeomanry regiment in their own county, and that both officers and men should be encouraged to train at the schools of the cavalry. I do not know whether I have succeeded in conveying to the Committee a general outline of the scheme we propose; but it is intended to unite the spontaneity and all the other advantages of the auxiliary forces with the highest possible

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amount of training that the Regular Army can furnish to any other body of men. It is intended to associate every regiment and battalion of the Army with some particular district of the country, in order that the ties of kindred and of locality may bring into the Army a better class of men and a greater number than now present themselves; that the Militia may be willing to furnish recruits for the Army; and that by these and other means you may not only promote the general advantage of the Army, but also, particularly, that you may attain that object which last year you had so much in view—namely, that only men of a certain age and of fixed constitution should go out to discharge the duties of soldiers abroad. In order to get rid of billeting, which I hold to be an evil of the first magnitude, the Militia regiments will be trained, either at certain larger stations of which I will speak by-and-by, or at their dépôt centres, where they will be partially under canvas, because the buildings will not hold them all. They will be put under an experienced officer of rank and in immediate connection with the organization of the Regulars, and when the training is over the camp may be left standing that the Volunteers of the district may have the use of it. Our object is, as far as possible, to make the drill more continuous, and to bring the training of the Volunteers within a limited portion of the year, in order that that training may gradually assume more and more the character of the training of the Regulars. The Volunteers of a local district will, as I have said, be associated with the brigade—that is to say, they will all be subject to the supreme command of a general officer; they will be under the lieutenant colonel who commands the local centre, but their internal organization will remain. There will be no double commissions after the 1st of April, 1873, so that an officer holding commissions in two different corps must elect in which he will remain. I do not mean to say we may not permit an officer to remain as an honorary officer; but I mean that as a substantive officer he must belong to one corps only. No officer or non-commissioned officer will be allowed to remain who does not qualify, nor be permitted to draw the capitation grant without attending drill as often as a private. Indeed, he ought to attend it

rather oftener for the sake of conveying instruction. No one will be allowed to continue a rifleman without going to the target, except he has become a marksman; then, of course, it is not necessary that he should be required to go any more than is necessary for maintaining the efficiency he has acquired. We propose that officers of Volunteers shall always be encouraged to train at the local centre of the brigade to which they belong. We propose that Volunteers shall attend once a year for brigade instruction when called upon to do so by the general officer commanding; that they shall receive a small allowance for doing so; and that on such occasion not less than half the enrolled strength of each corps must attend, in default of which the corps will lose the capitation grant for the current year. By these and similar arrangements we propose to give the Volunteers a definite place in our defensive organization, and ample opportunity of brigading with the Regulars and with the Militia. With regard to the Artillery Volunteers, I have already stated that they are to be placed under lieutenant colonels of Royal Artillery. We propose gradually to discontinue the brigade system as regards the Volunteer Artillery. Whatever advantages it may or may not have in the Royal Artillery, I think it will be found that the battery is the natural unit of the Volunteer Artillery, and it would be better to increase the number of lieutenant colonels of the Royal Artillery superintending and training the Volunteer Artillery than to maintain permanently the cumbrous administration of the brigade system. We do not intend to issue any more field guns. We propose to withdraw the field guns gradually as other means of training are provided, and especially those 40-pounders of which we have heard so much, and which, under the new organization, will be moved from place to place for the purpose of giving batteries successive opportunities of practising the science they profess. By these and similar arrangements the Volunteers will be closely united with the Regulars and the Militia, and they will be trained together; and in a short time I hope it may be said of them that they have none but qualified officers; that they are all practised riflemen; that the regulations are strictly enforced; and that

from the landed interest. We brought in the Bill and we met with no opposition, except a little desire to have it in one place rather than in another. Then when we got into the country we could not tell what demands would be made for damage done—why, all the elaborate clauses, all the provisions which were made for a Court of Arbitration—all the arrangements taking care that the public should not suffer were useless. When we got down there we found everybody delighted—the officers were delighted, the soldiers were delighted, the country gentlemen were delighted, and the right hon. Gentleman opposite (Sir John Pakington) was as much delighted as anybody else. I only mention this to show that we accomplished the object for the very moderate sum we had proposed in the Estimates of last year. You will not hear of any Supplementary Estimate for the purpose of liquidating the charges incurred at the Autumn Manœuvres. I believe I am correct in stating that the claims for damage done are under £1,000. I think we are much indebted to Lord Onslow, and other landed proprietors, who were good enough to assist in promoting the manœuvres. We shall renew the proposals this year; we take a Vote in the Estimates for the purpose; I cannot at the present moment name the place. The Topographical department have been engaged in examining several places, and in a short time I suppose I shall be able to announce the decision to the House. I am anxious to do so as soon as possible, because I know it would be convenient for Militia and Yeomanry regiments to be able to make their arrangements. We had the good fortune to have present last year a great number of distinguished foreign officers, and I have every reason to believe that the complimentary expressions they used were not merely the result of their politeness, but they were really gratified by what they saw. The number of men assembled was, I understand, quite as large as is usual at similar Continental manœuvres. I regret very much that the Yeomanry, with the exception of the Hampshire corps, could not attend—owing, I believe, to the lateness of the harvest; but, whatever place may be selected this year, I hope a large portion of the auxiliary forces will assemble with the Regular

Army. I had intended to say something about stores and forts; but I have already trespassed so long on your indulgence that I must leave that to my right hon. and gallant Friend (Sir Henry Storks), on a future occasion when the Vote for that purpose is taken. I only wish, in conclusion, to advert to one circumstance which occurred in the course of the year which affords me very great satisfaction, and which conduces extremely to the good government and welfare of the Army. The House will recollect that an important Committee was appointed relative to the business of the War Office, which was presided over by Lord Northbrook, and I cannot mention his name without expressing my regret at his approaching removal, while I heartily congratulate the country on his promotion to the high office, the duties of which he is so well qualified to discharge to the public advantage and to his own honour. Owing to the Report of that noble Lord's Committee, and the kindness of the House in permitting me to carry the Bill, which enabled a better division to be made of the duties and labours of the War Department; and, owing to the union of the principal offices under one roof, there has arisen a convenience and a facility in the transaction of business which, I am sure, everybody who knows anything about it must be delighted to witness. And I hope that, when the new buildings shall have been completed, we may be able to accommodate not only all the principal offices, but even those outlying departments which are now placed at the Horse Guards, because we cannot find room for them in the present building. I know that decentralization is very justly a favourite topic in this House; and if I tell you that in the last three years we have diminished our average daily correspondence from 1,500 registered letters to 900, I think you will admit that we are making some progress in the mode of conducting the business of the Army. I believe I speak the sentiments of others as well as my own in saying this; and I can only say that I trust this change will be a source of great benefit and advantage to the community. Sir, I now confide to the Committee these proposals. I am very conscious how imperfectly I have brought them before the Committee. I sincerely trust, however, that when the Committee see

them in a more ample form in the Memorandum of the Commander-in-Chief and the Report of General M'Dougall, they will see reason to approve and accept them. They do not commit you to extravagant proposals at a future time; but they do accomplish this—that for what you spend you shall have a return; that you shall combine the different forces, for which you require the public money, in one system, devised for one purpose, and devoted to one end and object; and that, instead of a vast variety of disorganized and conflicting arrangements, you will have the strength of this country combined in a form which, I think, will secure it not only against danger, but against the apprehension of danger. We stated last year that we should endeavour to secure you not only against danger, but against constantly recurring panics; and I trust that you will find we have faithfully redeemed the promise we then made.

Motion made, and Question proposed,

"That a number of Land Forces, not exceeding 133,640, all ranks (including an average number of 6,185, all ranks, to be employed with the Depots in the United Kingdom of Great Britain and Ireland of Regiments serving in Her Majesty's Indian Possessions), be maintained for the service of the United Kingdom of Great Britain and Ireland, from the 1st day of April 1872 to the 31st day of March 1873, inclusive."

SIR JOHN PAKINGTON said, that hon. Members on his side of the House were sincerely desirous last year of supporting the Government in their plans for the re-organization of the Army, provided they could approve them, and they were now ready to give the fullest and fairest consideration to the proposals just explained by the right hon. Gentleman, which he trusted would not give rise to so much difference as the proposal to abolish purchase. But whatever should be the ultimate view which the House might take of the plan proposed by the Government, the propositions embraced such a great mass of details, and touched so deeply the future constitution and welfare of the Army, that he was sure he expressed the sentiment of everyone who heard him when he appealed to the right hon. Gentleman to allow the House a reasonable time for considering the proposals, and he therefore trusted that the right hon. Gentleman would now allow the debate to be adjourned, without calling on the Com-

mittee to agree to the amount of force to be maintained, for the adoption of that Vote would be tantamount to passing the whole of the Estimates. He would avoid saying at present anything likely to lead to debate, though there were some points which he had expected the right hon. Gentleman to refer to; but as the right hon. Gentleman adverted to the manœuvres of last year, he wished to observe that he believed that with respect to them the feeling of satisfaction and delight was general. He believed that they were very beneficial to the Army, and was therefore glad to hear that they were to be renewed in the present year.

MR. CARDWELL said, that if it were agreeable to the Committee he would move that the Chairman report Progress, with the view of taking the discussion on Monday.

LORD ELCHO said, he thought the discussion on the proposals should be adjourned until hon. Members had had time to consider them. The right hon. Gentleman (Mr. Cardwell) had expressed his apprehension that he had imperfectly explained the propositions; but he must say that nothing could be more clear than the right hon. Gentleman's statement, and there were many matters of which he spoke, especially that relating to local organization, which persons who took an interest in the Army must approve. But out of the 29 proposals of the right hon. Gentleman, only two of them were such as could not have been carried out without the abolition of purchase. That entirely confirmed the view taken by himself and his hon. Friends in the fierce contests of last Session.

MAJOR ANSON expressed a hope that, before the discussion was resumed, the Minute of the Commander-in-Chief and the proceedings of the Committee presided over by General M'Dougall, which had been referred to, would be laid before the House.

MR. AUBERON HERBERT took exception to the very large expenditure proposed in the present year for the Army, and said that out of the House a very strong feeling prevailed that the defences of the country were founded on the wrong principle of keeping up a large expensive Army. The country was coming to the conclusion that no nation could be regarded as secure unless its people took some part in the military

organization. One Member of the Government last year expressed the opinion that the war between France and Germany had rung the knell of standing Armies, and that it was perfectly clear no standing Army could hope to keep the field against a body of men organized for their own defence. He and those who agreed with him, however, had never asked for anything like the German system of conscription; they had never believed the requirements of the country needed it. Some such system as the Swiss seemed best adapted to our wants. Certainly the people of the country must themselves devote a certain amount of time to preparation for defensive warfare if our system were to be trusted. The whole secret of the success attending the German siege of Paris was to be found in the fact that the people of France had not been trained to arms; had they been so the German line of communication would have been broken through, and the position of the German Army would have become dangerous in the extreme. The French, however, trusted to their standing Army, and without it they were helpless. He was convinced that at the next Election the voters in the large towns would express themselves very plainly in protest against our enormous military Estimates. This year's would be £1,000,000 in excess of last year's. He was not surprised that the Autumn Manœuvres should have been viewed with satisfaction by our foreign visitors, for they must have seen how expensive and yet how inefficient our system was; but he was afraid that Englishmen had little reason to participate in that satisfaction. In conclusion, he acknowledged that several of the changes suggested by the right hon. Gentleman would be improvements.

LORD EUSTACE CECIL said, that the hon. Gentleman's (Mr. A. Herbert's) eulogy of the Swiss system was rather less interesting than it would otherwise have been, owing to the fact that the Swiss were now busily engaged in altering and amending it. He hoped that the Government would defer the further discussion of these proposals to a later date than next Monday, because two days were not sufficient to master the Minute of the Commander-in-Chief and the Report of the Committee. He also wished to ask, whether lieutenants of Militia before the 1st of November would be re-

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quired to pass a general as well as a professional examination before they would be admitted into the Army; and whether officers of the Line would be promoted to commands in the Guards, or officers of the Guards to promotion in the Line?

VISCOUNT BURY expressed the great satisfaction with which he had listened to the Secretary of State for War's very complete statement, and asked whether, in the case of promotion in the Guards, he had understood the right hon. Gentleman to say that officers were to be brought in from other regiments and promoted into the Guards, or, whether such promotion was to be regimental?

COLONEL BARTTELOT thanked the right hon. Gentleman the Secretary of State for War for his very clear statement; and although he would refrain at present from passing any opinion on its details, he was sure it would commend itself to the country as a whole, because it was the very scheme the country had been asking for, and gave some hope that in future we should be able to find men when wanted, and find them able to do the work required of them. He was glad the hon. Member for Nottingham (Mr. Auberon Herbert) had made the statement he had, because he was convinced the voice of the country would be against him, as it had shown itself upon two previous occasions in reference to two other matters upon which the hon. Member held erroneous opinions. He trusted the House would be put into possession of the promised Papers before the scheme was discussed.

MR. EASTWICK asked that the debate be adjourned beyond Monday, and suggested that the right hon. Gentleman the Secretary of State for War should require our military attachés at foreign Courts to draw up Reports on the subject of compulsory service; and, in the case of those countries in which it had been adopted, to state the reasons which had led to its adoption. He doubted whether the feeling against it in England was so strong as the right hon. Gentleman supposed.

SIR JOHN LUBBOCK said, he hoped there was no truth in the rumour that the advanced Artillery class was to be abandoned. He was told that there were at present very few candidates for admission into the class; but he thought this only showed that the inde-

ments offered were insufficient. This was no time when the higher scientific training of our offices should be diminished or discouraged. He regretted to hear the right hon. Gentleman the Secretary of State for War confirm the statement in the Royal Warrant—that it would be two years before any commissions were thrown open to competition. He certainly thought that the commencement of the new system would be synchronous with the abandonment of the old; whereas, it now seemed that, as far as new commissions were concerned, we had at present the advantages of neither system. As regarded the commissions to be granted to candidates from the Universities, he thought the number should be limited, and could not consider Responses a sufficient test. He should have preferred to see such commissions confined to those who have taken honours. Lastly, it was stated in the Royal Warrant that the open competition for commissions would be taken on the standard recommended by the Royal Commission on Education. The present system, which had been adopted, after much consideration, two years ago, was, however, an improvement on that recommended by the Commission, and, if altered at all, he hoped it would be by giving more weight to mathematics and other branches of science, rather than by attaching still greater importance to Latin and Greek. It was very desirable that the country should know as soon as possible what the new system of competitive examination was to be, and what would be the relative proportion of marks given for different subjects. While anxious for information on these points, he could not refrain from congratulating the right hon. Gentleman on the very able and interesting statement he had made.

MR. WHEELHOUSE remarked that civilians had a greater interest in this question than was commonly imagined. He therefore trusted that the full discussion of the subject would be fixed for a date somewhat later than Monday next, and that the important Report, to which allusion had been made, would be produced beforehand.

MR. HOLMS also appealed to the right hon. Gentleman the Secretary of State for War to give the House a little more time, especially as the localization

of troops included all the questions of the Reserves, Control, &c. At the same time he must admit that the speech of the right hon. Gentleman contained the very essence of all military reform, though he (Mr. Holms) would find it necessary to disagree with some features of the scheme by-and-by.

MR. RYLANDS, although he did not agree with the hon. Member for Nottingham's (Mr. Auberion Herbert's) view of military arrangements, thought the public out-of-doors took a deep interest in the amount of expenditure the House sanctioned. All the plans of the right hon. Gentleman the Secretary of State for War, admitting that they would prove as successful as he expected, were only additional reasons why they should keep down the number of men voted for the Regular Army to a minimum. It was depreciating the Militia and the Volunteers to ask the House to vote more men for the Regular Army than they had, when those auxiliary forces either did not exist at all, or existed only in an inefficient state. In his opinion the number of men ought to be reduced, and the total expenditure on their war force confined to what was thought sufficient two years ago.

MR. ELCHO asked for the production of the reports as well of English as of foreign officers, relative to the manœuvres, before the House was called upon to vote the money for the several forces.

SIR HENRY HOARE dissented from the view taken by the hon. Member for Warrington (Mr. Rylands), and hoped the right hon. Gentleman the Secretary of State for War would not consent to reduce the number of men that he had proposed that night. Without in the least disparaging either the Militia or the Volunteers, they were bound to have a certain number of drilled troops on whom they could depend in order to maintain their Regular Army, and this was certainly not a moment, nor were we in a position, in which we could safely afford to disregard the possibility of European complications arising. As the representative of a populous constituency (Chelsea), he would be no party to sweeping reductions in our military forces, and he believed that the propositions of the right hon. Gentleman would give general satisfaction throughout the country.

SIR JOHN PAKINGTON said, he hoped that the discussion upon the Army Estimates would not be taken before Thursday next. He desired to know whether, in connection with the majors in the Artillery, it was proposed to do away with first lieutenants?

MRA. CARDWELL, in fixing a day for the discussion to be taken, had only in view the convenience of the House. Thursday not being at his disposal, he supposed he had better fix the discussion for next Monday week. In answer to various questions, the right hon. Gentleman said that Militia lieutenants transferred to the Line would be subject to the same general examination as Queen's cadets, and to the same professional examination as non-commissioned officers promoted. From what he had heard about the present system of Responses at Oxford, he thought he would require a further test. Captains and lieutenant colonels in the Guards would not be allowed to exchange with lieutenant colonels of the Line, and only mounted officers would stand for promotion on a footing with majors in the Line. Exchanges between the two branches he did not think would often occur. With reference to the Autumn Manoeuvres, he thought he had already said that he would lay upon the Table of the House the Reports of His Royal Highness the Commander-in-Chief, of the Control department, and of the Executive Commission. It would not be in conformity with usage, neither would it be right, to lay upon the Table the Reports of commanding officers relative to recruiting; but that of the Inspector General in connection with that subject would be laid upon the Table.

SIR HEDWORTH WILLIAMSON, in referring to the great diminution in the Estimates under the head of sums expended for the purchase of horses for the Royal Artillery, wished to know why it was that the artillery was not properly horsed? He had himself seen three batteries of artillery which ought to have been able to horse 18 guns unable to turn out more than eight in consequence of the want of horses.

SIR HENRY STORKS explained that there were at present 275 horses wanting to complete the full number of the Royal Artillery, but that number would be purchased before the 1st of April.

Sir Henry Hoare

During the present month 140 had been purchased.

House resumed.

Committee report Progress; to sit again To-morrow.

ROYAL PARKS AND GARDENS BILL.

(*Mr. Ayton, Mr. Baxter,*)

[BILL 17.] COMMITTEE.

[*Progress 15th February.*]

Bill considered in Committee.

(In the Committee.)

Clauses 1 and 2 agreed to.

Clause 3 (Definition of "park-keeper").

MRA. RYLANDS moved, in line 21, after "appointed," insert "by the Commissioners of Her Majesty's Works and Public Buildings." The hon. Member observed that the clause proposed to change the authority under which the Parks were placed at present. His own feeling, as well as that of many hon. Members, was that the Parks ought to be left alone. He thought the people who frequented the Parks were well-behaved people, who enjoyed the green grass and the fresh air, even although some of them might not be well-dressed or well-washed. A regulation had been made, and posted up at the entrance, that no person who was badly-dressed should be admitted to the Parks; but that regulation was inoperative, as no doubt that which prohibited hired conveyances from entering the Parks would be. If they were to create a new authority, it was necessary to see that it was responsible to that House. He objected to conferring powers upon a park-keeper appointed by a Ranger. He did not quite concur with his hon. and learned Friend (*Mr. V. Harcourt*) in his condemnation of the Government for introducing this Bill; but he should have preferred it had it been brought in by the other side of the House.

Amendment proposed, in page 1, line 21, after the word "appointed," to insert the words "by the Commissioners of Her Majesty's Works and Public Buildings."—(*Mr. Rylands.*)

MRA. AYRTON said, he hoped the hon. Gentleman would not press his Amendment, when he understood the position of the question. There were four Parks out of a much larger number which had always been under a

Ranger, that office being reserved by the Act of Parliament which vested the Parks in the Board of Works. But the Ranger was simply an officer under the Crown, for whom the Government was responsible, and, if he misconducted himself, it would be as easy to advise his removal as to recommend the removal of a stipendiary magistrate. The effect of the Amendment would be to abolish the office; but if any hon. Member thought the office unnecessary he should raise the question in a direct shape. He had found no difference of conduct between the keepers appointed by the Board of Works in Kensington Gardens and those appointed by the Ranger in Hyde Park, and he believed it was best to have keepers who made the care of the Parks their sole duty.

SIR HARRY VERNEY, while admitting that the Parks in the immediate vicinity of London should be under the charge of police, remarked that at Kew and Richmond the duty might be intrusted to meritorious old soldiers, which would be a great boon to the Army.

Question put, "That those words be there inserted."

The Committee divided: — Ayes 32; Noes 58: Majority 26.

Motion made, and Question proposed, "That Clause 3 stand part of the Bill."

MR. VERNON HARCOURT said, that the 3rd clause defined the persons who were to exercise the enormous and unprecedented powers conferred by this Bill. Those park-keepers were to have the power of enforcing the penalties in Clause 4. They might arrest without warrant any person committing any of the offences defined in the Schedule, and they were in addition to have all the powers belonging to a police-constable of the metropolis. Their powers were, therefore, of an indefinite and undefined character. The First Commissioner of Works said the other day, that all the powers given under this Bill were ordinarily given in the case of Parks under the control of municipal bodies. Upon that statement he joined issue with the right hon. Gentleman. He equally denied the assertion that at common law municipal corporations possessed the powers conferred by this Bill. Under the Municipal Corporations Act no power was given to enforce by-laws by summary and arbitrary arrest, and the power

given was specially defined to be arrest by summons and warrant in the usual constitutional manner. The First Commissioner of Works had said that the powers in this Bill were similar to those given to railway companies; but that was equally incorrect. Railway companies had power to make by-laws, and they could not enforce their by-laws without summons and warrant. There were powers given them to arrest without warrant; but that was confined to offences defined in the Act, which made all the difference in the world. The First Commissioner said also the other night that this Bill was only the limited application of a principle which had been applied to every other part of the country except the Royal Parks. He could not attempt to disprove that statement by a general negative in reference to local Acts of Parliament; but he had examined the Act relative to the Halifax Park and others in the Library, and in no single case did he find a power of arrest given to enforce the by-laws of the Park. In the case of Southwark Park, which was under the control of the Metropolitan Board of Works, no such powers were given. He did not undertake to say that Acts of which he knew nothing had not slipped through; but the great leading examples relied on by the Government to support the Bill proved the exact opposite of what had been asserted from the Treasury Bench. And he had a right to complain that in measures of this kind deeply affecting the liberty of the subject and the Constitution of the country, they never saw the Law Officers of the Crown on the Government benches; they were so occupied with private affairs that they had no time to devote to the business of the Crown. If they could have given five minutes' attention to this Bill, it would never have been produced in its present state; and if they had given five minutes' reflection, they would never have stated the law from the Treasury Bench as it had been stated the other night. The House had also heard, a few evenings ago, that the power in this Bill was in accordance with the Metropolitan Police Act. It was not so. The result of all this was, that his hon. Friend the Member for Warrington (Mr. Rylands) and himself had prepared a number of Amendments with the view of bringing the Bill into accordance

with the usual law of the country. The House of Commons was, by this Bill, called upon to make a new precedent in the law of this country, and this country was very much governed by precedent. If they established precedents of that kind it might lead further than precedents generally did. Arrest without warrant was a very serious thing, and in old times it was a power much more sparingly exercised than at present. Well, it might be said—"What, after all, does arrest without warrant for indefinite offences signify?" It signified very much. It was contrary to the Constitution and laws of this country that arrest without warrant for indefinite offences should be made, with one or two exceptions. Arrest without warrant for indefinite offences meant much the same as if a man were to draw a blank cheque and let anyone fill it up as he liked. He wanted to know whether the House of Commons was going to draw a blank cheque against the liberties of the subject in this country, and to allow a Ranger or Minister of Works, or somebody else, to fill it up with any figure he pleased? That was the scheme of this Bill. He was aware that all these things were treated with contempt by hon. Gentlemen opposite, which in them was perfectly natural, and was becoming natural on the Treasury Bench. A friend had said to him—"Oh, you are quite out of fashion; you believe in the liberties of the subject." Well, belief in the liberties of the subject was a good old fashion; he was not ashamed of it; and he would venture to suggest to hon. Members opposite that it was not their interest to put these things out of fashion. If they chose to set the example of departing from the spirit of the law and Constitution of this country to serve a temporary purpose, they would find plenty of people to follow that example in a way they might not like at all. We had heard a great deal said about arbitrary power, Royal Warrants, and so on. Well there was plenty more where that came from, and if hon. Gentlemen opposite chose to override the spirit of the Constitution and the laws of the country they would be the people to suffer most by it. How would Gentlemen opposite like, for example, a Commissioner with indefinite powers to go down and regulate their estates, and when they began to talk about the rights of property, the

liberties of the subject, and Magna Charta, he would say—"Oh, that's all nonsense. I am a Commissioner sent down by Parliament, with indefinite power to make regulations." Now, it was not the interest of hon. Gentlemen opposite to take this line of conduct, for, in his opinion, there was nothing in the world so arbitrary as a Democracy if allowed to go unchecked by the spirit of the Constitution. He was wrong, perhaps, in saying that there was nothing in the world so arbitrary as a Democracy. There was one thing which was more arbitrary still, and that was an Aristocracy acting in concert and coalition with a Liberal Administration. [Laughter.] Therefore, when an appeal was made to great principles which to-day protected the poor and which to-morrow the rich might require for their own defence, he would advise hon. Gentlemen not to laugh at it. It was said—

"Cervantes laughed Spain's chivalry away;" and it was not a good thing for Spain when that happened; so the day might come when Gentlemen who laughed now might prize those principles which to-day appeared so absurd. He had ventured to say that this legislation was new, unprecedented, and, to borrow a phrase from the Treasury Bench, "heroic legislation." What was the reason this "heroic legislation" was attempted? It was from fear of "the roughs." Now, he wanted to know what was "a rough?" He often wondered, when he heard the expression, whether he was "a rough." His hon. Friends the Member for the University of Cambridge (Mr. B. Hope) and the hon. Member for York (Mr. Lowther), who were the real authors of the Bill, and who used the Treasury Bench in this matter, declared that he was a rough. Well, then, if they would excuse him, he was acting here in his own defence, *pro domina sua*. Now, how would they define "a rough?" Did they mean a man who habitually broke the law or was disposed to break it? He supposed that was what was generally intended by the word. But hon. Gentlemen were not generally so severe in their legislation against people who habitually broke the law. There was an instance of their dealing with people of that class last Session, when they voted £3,000,000 or £4,000,000 of the public money to compensate them. So that when hon. Members had to do with

roughs of their own class they did not arrest them without warrant, but compensated them out of the money of the people. Now, looking the other day into the organs of public information, he found the object of the Bill described in a journal which he always read with the greatest reverence, one with which his hon. Friend the Member for the University of Cambridge was not altogether unacquainted. That journal stated that the object of the Bill was to get rid of "that loathsome and disorderly crew who may any afternoon be seen disporting themselves like Yahoos in St. James's Park." Now, many Members were in the habit of coming down to the House through St. James's Park, and must have seen those who were thus described in a journal said to be "written by gentlemen for gentlemen." He had himself seen those "Yahoos" in St. James's Park in the sultry months of July, not so well dressed as his hon. Friends, but lying asleep on the grass, and he was glad to see them there—the only time when, living, perhaps, as they did among the slums of Westminster, they were able to get a breath of fresh air. Now, if this Bill was intended to turn out these "loathsome and disorderly Yahoos" from St. James's Park, and to prevent them from getting a breath of fresh air, that was one of the reasons why he opposed it. He could not help feeling that this Bill was part of that whole campaign indicated in the early part of the afternoon, which was intended, among other things, to resist giving a corner of the Thames Embankment to the people. In the case of Epping Forest, in the case of the New Forest, on questions on enclosure—in short, wherever there was a chance of the people of this country getting a little fresh air, a little further space, there, sometimes with the assistance of hon. Gentlemen opposite, sometimes without it, he and a few of his Friends had to fight a perpetual battle against a Liberal Administration. Now, he for one declined leaving questions of this kind to the Ranger, and he should like to say why. He happened to sit with the Chancellor of the Exchequer on the Thames Embankment Committee, and there was some evidence given before it which showed how functionaries of that description regarded their duties in this matter. A witness was called by the Government

to prove that no spaces of the kind to be found on the Embankment should be allowed for a public garden, because it would be so injurious either to private houses connected with it, or even to public offices. He would read a sentence or two from the evidence of Mr. Cates, of the Office of Woods and Forests. That gentleman said—

"A garden of that kind may possibly become a playground, and it is not a very pleasant thing to have a playground and children playing under your windows."

That showed the spirit in which those Acts were administered by officials of that description, and it was into the hands of such men the making of those regulations would be put. Again, when the witness was asked—"Can it be used as a playground, do you think?" The answer was—"I have no doubt that the ingenuity of children may be able to do that." These were the gentlemen who, in return for their official salaries, tried to defeat the ingenuity of children who wished for a playground. He would vote against placing the open spaces of this country in the hands of persons of that description. Three courses had been proposed upon this subject. One was to let it alone—the wise advice of a former Leader of a Liberal party, who did not get into so many scrapes as the present Leader did. The second course was that which he had suggested—namely, that the Parks should be placed under the control of the police of the district. Do not let it be said that he and those who acted with him were the enemies of order. His proposal was a sufficient answer to any such charge; but there would then be a security that the regulation of the Parks would be in the hands not of servants appointed by the Ranger, but by a responsible authority under regular discipline. The statement that the powers under the Bill were in conformity with the Police Act was unfounded; those arbitrary powers of summary arrest, though they might perhaps have slipped into some local Bill, did not exist elsewhere. A third course was to take the scheme of the Bill, and, if possible, extract from it its virus and venom. The disadvantage of such a course was, that it constituted a separate authority from the metropolitan police which seemed undesirable. He, therefore, moved the omission of the 3rd

clause with a view to insert a clause placing the control of the Parks under the police.

MR. AYRTON said, that having been at the foot of Nelson's column and heard the speeches sometimes delivered there, he thought his hon. and learned Friend must have intended to give the House some kind of idea of those speeches, addressed as they were to people whose information was not such as to make them aware that they were misled. He would not follow his hon. and learned Friend into questions about Army purchase, but would merely repeat propositions of law, which were quite accurate—first, that where corporate bodies had control over a place common law would give them the right of making byelaws to regulate the use of that place; and, next, that to such bodies had been delegated the power of making regulations which were penal. It was not necessary to go back to *Magna Charta*. He preferred to quote Acts of Parliament passed when we had grown somewhat wiser. Now, in the very last Session of Parliament two Acts had been passed for the regulation of Wimbledon and Putney Parks, which adjoined Richmond, and of Wandsworth Common, which was actually in the metropolis. Those Acts contained the same clause empowering any constable or officer of the Conservators (who were in exactly the same position as the Commissioners of Works) to seize and detain any person offending against the Act or against any by-law of the Conservators whose name or address was unknown to them, and convey him before a justice to be dealt with according to law. The Act from which he quoted was a private Act, but the result of a great deal of agitation, and was passed at the instance of the very Gentleman with whom his hon. and learned Friend was co-operating to vindicate the rights of the people in the enjoyment of the Parks. The Committee, of which his hon. and learned Friend was so distinguished a Member, were the promoters of the Bill, and yet when the Government followed in their footsteps the hon. and learned Gentleman came down to accuse them of conspiring against the liberties of the people. He hoped his hon. and learned Friend would not persist in his opposition, but would now allow the Bill to make progress. As a metropolitan Member, his experience

was, that to place the Parks under the control of the police would not be at all to the gratification of the people; but would, on the contrary, be most disagreeable to them. It was rather a misfortune that the Parks were not in the hands of an organized system of park-keepers, fitted to perform the special duties required of them, and kept under efficient control. The police were now used to a considerable extent, quite as much as was desirable, and no one could assert that the park-keepers were, in conduct and character, inferior to the police. As a general proposition, it would be wholly impracticable to put the Parks under the regulation of the police, who did not possess the necessary powers in harmony with the cultivation and use of the Parks for a variety of purposes. For the police to undertake the charge of the Parks was quite impracticable, and so far from such a step conducing to the liberty of the subject, it would place the whole matter in the hands of the Commissioner of Police, who was not directly responsible to the House of Commons, and take it out of the hands of a Member of the Government who was responsible to the House of Commons at all times. If, therefore, there was anything bad in the Bill, the Amendment would make it ten times worse.

SIR HENRY HOARE, in common with all but one or two of the metropolitan Members, believed the object of the Bill was to put the Parks under the control of an officer who would withdraw the right of public meeting. Now, surely it was not wise in times of danger to sit on the safety-valve, and it was much better that the people of London should have an opportunity of expressing their sentiments. If only a small number of people, and those disposed to create a disturbance, assembled on such occasions, that was an indication in its way of what the real feeling of the people at large was. It was rather strange that the metropolitan Members should have to come down to the House at any hour of the night to oppose measures introduced by the very Government which they were elected to support. A short time ago the First Commissioner of Works wanted to cut down the trees in Kensington Gardens, and he now aimed at clearing the Parks of the class of people usually frequenting them. It seemed as if the Government wished to

concentrate on him all the odium they incurred, and as if the right hon. Gentleman intended making the Parks a wilderness into which to wander as a scapegoat. He should advise the Government to revert to first principles — to that "flesh-and-blood" doctrine which was their original principle, and he would appeal to the Prime Minister to act handsomely and withdraw the Bill at once. He believed that the success of the measure and an attempt by the keepers to exclude the people from the Parks would provoke a serious émeute.

EARL EDMOND FITZMAURICE said, he did not know whether the First Commissioner of Works had been at the foot of the Nelson column as a speaker or a listener; but if his reply to the hon. and learned Member for Oxford (Mr. V. Harcourt) at all resembled the speeches delivered there they must be poor stuff indeed. The right hon. Gentleman appeared to disdain Magna Charta and to prefer as precedents Acts passed since he had held office. As to the Wimbledon Common Act, it was passed under very peculiar circumstances; and it did not follow because one Act containing objectionable provisions had slipped through the House without comment that that was to be held up as a precedent. If the right hon. Gentleman thought so much of the Act, would he be prepared to adopt another of its provisions, which was that all persons holding property above a certain value should be taxed for the benefit of all the rest? Unless some better precedent could be adduced he should support the Amendment.

MR. COLLINS said, he was surprised at the tone of the hon. Baronet the Member for Chelsea (Sir Henry Hoare). That hon. Baronet talked as though the Parks belonged to the people of London; but the fact was, that they belonged to the nation at large, who had to pay the cost of keeping them up. If Londoners wished the entire control of them, let them purchase the fee-simple, as other towns which required Parks had to do, unless, indeed, they had munificent benefactors like the late Sir Francis Crossley. As things stood, it displayed some audacity, a quality in which the hon. Baronet was not deficient, for Londoners to assume a tone of dictation as to the management of the Parks.

MR. MELLY said, he should claim the vote of the hon. Member for Boston (Mr. Collins), on behalf of those living in the country when the Thames Embankment was discussed, with reference to persons being made to pay for property they had taken from the Crown. He agreed that the Parks were the property of the whole nation, and thought that they should be placed under the control of the metropolitan police, because there would be a responsible Minister from whom they could demand explanations, and who would be responsible for the acts of the police.

LORD JOHN MANNERS said, before he left office the principle of placing the Parks in the care of the metropolitan police had been practically adopted, and he believed it was recognized up to that very moment. But that was a very different question to that raised by the Amendment of the hon. and learned Member for Oxford (Mr. V. Harcourt). It appeared to him that to adopt such an Amendment would be a hasty and inconsiderate step. The only persons appointed by the Ranger were the gate-keepers. All the other functionaries connected with the Parks were appointed by the First Commissioner of Public Works. The only question before the Committee was the 3rd clause, which defined a park-keeper; and if no better definition could be suggested, they ought to proceed to vote upon it.

MR. VERNON HAROURT said, the clause affirmed the principle of park keeping, and therefore it was opposed. The last division reached the Government's working majority of 27, and therefore there was no reason to despair. The Government affirmed that they sought no powers except those already conferred on municipal corporations, and he challenged that assertion. The search for precedents had failed, and had produced nothing but one extraordinary farrago of erroneous law. The Bill proposed to give power to arrest without warrant Her Majesty's subjects in a manner which was entirely unprecedented.

MR. BRUCE said, that for 32 years the Metropolitan Police had had the power of arresting individuals without a warrant for a great variety of offences, including that of keeping a ferocious dog at large, singing obscene songs, furious driving, destroying trees and shrubs in a public walk, extinguishing a lamp, and fly-

ing kites, &c. It was not likely that the operation of the Bill would add new powers to those which had been so long exercised without complaint. But in order to give the security which was demanded he would propose that the rules and regulations to be made for the Parks should be laid on the Table of the House for a certain time before they could come into operation. One set would not do for all the Parks, because cabs circulated freely in Regent's Park and not in Hyde Park.

LORD JOHN MANNERS said, the proposal of the Secretary of State for the Home Department had been made in an extremely hasty manner, and Notice of it ought to have been given. It involved a very serious alteration in the whole scheme, and it ought to be placed on the Notice Paper for several days before they were called upon to discuss it.

MR. LOCKE said, he thought the proposal of the Secretary of State for the Home Department that all these rules and regulations should be laid before Parliament before they became law changed the entire character of the Bill, and he agreed with the noble Lord (Lord John Manners) in thinking it necessary that they should have due time for its consideration. He begged, therefore, to move that the Chairman now report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Locke.)

MR. GLADSTONE said, he thought his hon. and learned Friend (Mr. Locke) could hardly be serious in making that Motion. He thought also that the noble Lord opposite (Lord John Manners) was a little severe in laying down that no Government engaged in discussing the details of a Bill was ever to make a concession for the sake of procuring harmony and a general agreement, except upon giving several days' Notice. His hon. Friend the Member for Warrington (Mr. Rylands) had, however, actually placed on the Notice Paper a proposal which had now been before the House for a considerable time—an Amendment to the effect that the rules to be made under the Bill should be laid before both Houses of Parliament, and if not disapproved by either House within a month afterwards, they should

come into force. The Government had as sincere a respect as the hon. Member for Oxford (Mr. V. Harcourt) for the liberty of the subject, and desired to surround it with proper guarantees. There might, however, be cases of particular celebrations in the Parks which might present exceptional circumstances, and which might require regulations of a special and temporary character; and therefore, it might be necessary to introduce into his hon. Friend's (Mr. Ryland's) Amendment some modification in respect to regulations that were strictly exceptional. Thus, the control of Parliament would be maintained over the by-laws which might be made; and he hoped that, now they had such an admirable opportunity of settling the details of the Bill, the Motion for reporting Progress would not be pressed.

MR. GATHORNE HARDY: I am astonished at the course suddenly taken by the Government. The question before us is that the 3rd clause stand part of the Bill, and that clause has to do with the duties of park-keeper, and to have such a proposal as that now made brought forward under such circumstances by the Government, is about the most irregular proceeding I ever heard of in my life. Let us either do one thing or the other; but what has this new proposition to do with the 3rd clause of the Bill? The Government ought to have the strength to stand on what they have done. They have introduced a measure the 3rd clause of which defines the duties of the park-keeper, and now, when they find that they do not get support where they looked for it, and get it where they had no right to expect it, they immediately turn round and sell themselves to the enemy. Surely we have a right to complain that they should thus, all of a sudden, on a clause referring to an entirely different subject, take the opportunity of saying that they mean to alter the complexion of their Bill? ["No!"] Yes, I venture to say they alter the whole complexion of their Bill. The Bill was put forward as one intended to be carried out on the responsibility of the Minister, and the right hon. Gentleman (Mr. Ayrton) at first told us that he was going to take upon himself, and to place on all his successors in his office, the responsibility for the rules and regulations to be made for the Parks. But

what do we now find? Why, that the Government are seeking to evade their proper responsibility, and to shift it to the shoulders of this and the other House of Parliament. The right hon. Gentleman at the head of the Government, when he ought years ago to have taken the part that any man would have taken who was interested in the order of the country and not in its disorder, when a Bill on this subject was proposed, instead of attempting to amend the measure, the right hon. Gentleman, who now wants order in the Parks, then set himself against order. Now, however, having brought in his Bill, he turns round and throws the whole thing into confusion, keeping open the discussion and controversy about it for years; for that must be the effect of leaving it to be fought over from time to time in either House of Parliament, where, as long as different parties exist, there must be constant contests upon each of these rules. I say this is a cowardly proceeding—a proceeding unworthy of a Government which takes upon itself to legislate on such a subject. The hon. and learned Member for Oxford (Mr. Harcourt) has taken his line, and other hon. Members have taken theirs. On a former occasion I took the line that I thought right, and I did not shrink from it either as a Member of the Government or as a Member of the Opposition; but I came here to vote for a Bill for the carrying out of which the Ministry was to be responsible; and now I find that I am asked to vote for a Bill which casts the responsibility on either House of Parliament. This is a new way of dealing with the other House which we have already seen dealt with in so unpleasant a way by those who profess to respect it. The right hon. Gentleman (Mr. Ayrton) told us, in a proper and consistent manner, that the Minister would be answerable for the rules which the Ranger made. That is a proposition which Parliament may accept, because we should have a responsible Minister to deal with. But now the Secretary of State for the Home Department says—"We will leave this House to deal with any rules that may be framed." I say that such a proposal ought not to be introduced at this period of the discussion, and I say further that it is neither a satisfactory nor an honest way of treating the question.

MR. GLADSTONE: On a former night I ventured to observe that this was not a question that required the heroic style of speaking. I then thought that character applied more or less to the speech of the hon. and learned Member for Oxford (Mr. Harcourt); but to-night we have just had from the right hon. Gentleman opposite a magnificent specimen of the heroic style. And I must say that if there be any man in this House who can contrive—if our object is to find the man who can contrive to import into the plainest practical matter of business and common sense the acid and venomous spirit of party—it is the right hon. Gentleman opposite. Of that spirit I have never known a more wanton or more extravagant manifestation than he has just given us. The right hon. Gentleman is here as our supporter, and of course, Sir, we are very grateful for the kind support tendered on this occasion. But let us descend a little from these higher flights. In discussing this Bill the right hon. Gentleman protests against the introduction of irrelevant matters; he pins us to the 3rd clause and the duties of the park-keepers, and having done that he brings a charge against me without the slightest foundation, and without attempting to say a word to justify it, about my conduct in respect to a Parks Bill some five or six years ago. That is the way in which he observes his own rule of speaking closely to the precise language of the 3rd clause. I challenge him to bring forward, if he likes, my conduct in regard to that former Parks Bill. I tell him that on that Bill I did all I could—with reference to the feebleness and the bungling of the Government of that day—to make the best that the circumstances permitted of the unfortunate position in which they placed the power and authority of the Legislature and of the Crown at the mercy of the populace of London. That was their exploit, and from their blundering have resulted all the difficulties in which subsequent Governments have been placed in regard to the Parks. Now, what is the charge against me? I have been betrayed for a moment into the heroic style. I found the speech of the right hon. Gentleman so attractive that I could not help making an attempt at a humble imitation of, although, while using my best efforts, I must always re-

main far below his lofty flight. The right hon. Gentleman says it is improper to refer to any other portion of the Bill when we are dealing with the 3rd clause. I know that, according to the strict rule of the Committee, it is desirable, as far as possible, to discuss the matter of the clause, and nothing but the matters of the clause; but it was pointed out very justly by my hon. and learned Friend the Member for Oxford that in the 3rd clause, which treats of the duties of park-keepers, we were really dealing with the basis of the Bill. Now, why do we define the duties of the park-keepers in this clause except it be with reference to the ulterior purpose of assigning to them certain functions and powers? The right hon. Gentleman, in the midst of all his fume and fire which he has poured forth, and of which he has a stock so abundant that he can dispense it on any occasion without notice and in any quantity, has preferred one intelligible charge in the vague declamation with which he has flooded us; and his intelligible charge is that we are shirking responsibility. Those are plain words. How, then, are we shirking responsibility? Is it by providing that, instead of framing regulations hereafter, and leaving it to the House or any hon. Member to call over the coals my right hon. Friend the First Commissioner of Works, we are willing to accede to the proposal that my right hon. Friend's regulations shall be laid upon the Table and shall not become law until they have been laid upon the Table for a certain time? Is not my right hon. Friend to be responsible for the regulations he may lay upon the Table? The right hon. Gentleman seems to me to be so blinded by a determination to convert into a polemical discussion that which ought to have been one of the most prosaic discussions in which we were ever engaged, that he entirely forgets we are not proposing to alter the initiative. We propose that the regulations shall be made by the proper officers of the Government, and that after being made they shall be laid upon the Table, so as to give a more convenient opportunity to Parliament of doing that which is the proper function of Parliament—namely, of challenging the acts of the Government and of intercepting them, if it thinks fit, before they have taken full effect. I hope and entreat if that we

are to maintain our reputation as an Assembly which meets for the purposes of business, we may on an occasion when the subject under discussion is strictly a matter of business, be allowed to return to this humble 3rd clause.

MR. DISRAEELI: There may have been a great deal of heroic talking, but what we should like to see would be a little more heroic acting. We should like to see the Government stick to their colours. They do not even surrender at discretion. For a greater want of discretion than to give up the whole point which they have now been contesting for two nights, I never before witnessed. The defence made by the right hon. Gentleman is singular. We do charge the Government with shirking the responsibility they had engaged to incur. The right hon. Gentleman says—"What foundation have you for this charge? True it is that we are no longer prepared under the conditions of the Act of Parliament to propose and adopt regulations for the Parks; but we will devise regulations and place them on the Table, and thus give the House an opportunity of expressing an opinion upon them." But how are the Parks to be regulated in the interval? Judging from the offer of the right hon. Gentleman the First Commissioner of Works, and the exposition of the right hon. Gentleman who has just addressed us, there must be an interval of anarchy. ["Oh, oh!"] If I have misunderstood the matter, that is only an additional proof that when so considerable a change is suddenly brought forward in a Ministerial measure we ought to have an opportunity of understanding more intelligibly the proposition. That the proposition is contrary to their original one nobody can for a moment doubt. As to the attack which has been made upon my right hon. Friend (Mr. G. Hardy) with reference to what occurred six years ago, no doubt a great deal has occurred in those six years, and one ought to have notice in order to collect one's memory as to the circumstances. I think, however, I can remember this—that under the difficult circumstances in which my right hon. Friend was placed with reference to legislating in regard to the Parks, the course he took on the occasion was a direct course, which he professed without circumspection and supported with spirit. I remember that a right hon. Gentle-

man opposite, who had occupied the post of Secretary of State in a Government which also dealt with this matter, did feel it consistent with his honour as a Member of Parliament, as a former Minister, and as a gentleman, to come forward and give a manly and straightforward support to the Government. But the right hon. Gentleman now at the head of the Government, who had been a Member of the same Cabinet, sat night after night in sullen silence, and never spoke with reference to the proceedings that took place in the Park, except, I believe, when he addressed a tumultuous multitude from the balcony of his own private residence.

MR. GLADSTONE: I am very sorry that the right hon. Gentleman's imagination should have led him astray; but, as Mr. Sheridan has remarked, there have been former occasions when a Gentleman has drawn on his memory for his jokes and on his imagination for his facts. The right hon. Gentleman has fallen into that error. In regard to the one intelligible sentence in his remarks, I can only say that there is not a single shred, syllable, or shadow of truth in it. ["Order!"] I mean to say there is no foundation of fact in it whatever. The right hon. Gentleman says that after the lapse of six years it is necessary to rub up one's recollection by reference to what really occurred, and I strongly recommend him to practice the doctrine he has preached, and to improve his memory of those things before he ventures to make such extraordinary statements.

COLONEL GILPIN said, he would not draw on his imagination, but state a notorious fact. When his right hon. Friend sitting near him (Mr. S. Walpole), then Secretary of State for the Home Department, issued a notice forbidding a meeting in the Park, a Motion was made in that House by a supporter of the right hon. Gentleman opposite (Mr. Gladstone), the then Member for the City of Oxford (Mr. Neate), to the effect that the country was indebted to his right hon. Friend for having issued the notice. But the right hon. Gentleman on that occasion walked up to Mr. Neate and asked him to withdraw his Notice, and the hon. Gentleman did withdraw it.

MR. GLADSTONE: I did not think that the imagination which prevails on the front bench had extended so far as the third. It is impossible to answer

charges of this kind which are extemporized from time to time, without dates or particulars. I can only say that I have no recollection whatever of any accuracy or any foundation of fact for the statement just made by the hon. and gallant Gentleman.

MR. VERNON HAROURT said, he hoped he might be permitted amid this wrath of chiefs to say a few words of calm mediation between such great allies. The grand alliance seemed to have been broken up; and a state of things had arisen which reminded him of the picture which represented bandits quarrelling over their plunder, and by means of which the rightful owners came by their own. He hoped that by the quarrel that had now taken place the country would come by its own. Now that a certain state of things had arisen, in all probability the people of London would again have the right of enjoying the Parks as they used formerly to do, without those restrictions. He should never feel ashamed at being called "heroic;" but nothing that he could say could bear that interpretation, in comparison with what had been said on both sides of the House. When the First Commissioner of Works charged him with addressing the House in a style fit for the base of the Nelson Column, what did he think of what he had just heard? The Members below the gangway could not rise to anything like that level; but after they had been in office 25 years they might hope to reach to something like it. He would now suggest that hon. Members should confine themselves to the transaction of the business before them, which at present was the 3rd clause. His right hon. Friend the Member for the University of Oxford (Mr. G. Hardy), who rushed somewhat suddenly into the fray, had not, he believed, heard what was said on the subject. They wanted to divide upon the 3rd clause in order to assert the principle that the management of the Parks should be in the hands of the Metropolitan Police, and not in the hands of the Ranger. If his proposal to give to the police the regulation of the Parks were agreed to, the difficulty would be removed, the grand quarrel which had dissolved the temporary alliance between the two parties would cease, and they might once more kiss and be friends.

MR. BROMLEY-DAVENPORT said, he well remembered the occasion when the present Prime Minister, then sitting on the front Opposition bench, preserved a significant silence during the debate on the meeting in the Parks, and while the right hon. Gentleman the Member for Buckinghamshire was speaking, took up his hat, walked out of the House, and did not return.

MR. GLADSTONE said, there was great inconvenience in recalling suddenly what occurred so long ago, because you could not always recall it with precision. The charge against him was a charge of silence on a particular occasion. He, perhaps, ran some risk in meeting the charge from memory—a memory which was overloaded, and which, as time passed, did not improve; but he thought that he was able to supply a rational explanation of the charge. If he remembered rightly, the intentions of the Government of that day was to prohibit the meeting in the Park. He knew perfectly well, and wished them to have the benefit of the admission, that in their intention to prohibit that meeting as an illegal meeting they were supported by Gentlemen of high authority sitting on his side. But he himself never regarded that meeting as illegal; he was not prepared to concur in proceedings against it as illegal; he believed that they did end in the breakdown, and the rather discouraging breakdown, in which they did end; and under these circumstances he thought he did not pursue an indiscreet course when, not being able to support the Government of the day in the measures they proposed, no doubt with the best intentions, for the preservation of order, he left the House.

MR. J. LOWTHER, as a Member of the Committee of last year upon this Bill, did not regard the Home Secretary's Amendment as so important that the Committee need report Progress. He thought the spirit of the measure would not be destroyed even if the Amendment were adopted. The Committee could not do better than devote themselves to the consideration of the clauses, in the course of which, no doubt, the warmth of feeling which had arisen would calm down. [MR. GLADSTONE: Hear!]

Question put.

The Committee divided:—Ayes 37; Noes 225: Majority 188.

COLONEL GILPIN asked permission to make an explanation. He did not wish to make a statement that was not perfectly accurate, and in order to confirm what he had said he now called the attention of the Committee to a speech of the right hon. Gentleman opposite, made on the 3rd of May, 1867, when the following Resolution was moved by the hon. Member for Oxford (Mr. Neate):—

"That Her Majesty's Government in refusing the use of Hyde Park for the purpose of holding a Political Meeting, have asserted the legal right of the Crown, and deserve the support of this House in so doing."

The right hon. Gentleman opposite said on that occasion that on questions of this kind but one sentiment could prevail on both sides of the House with regard to the propriety of preserving public order; and conformably to that sentiment he made an appeal to his hon. Friend (Mr. Neate) not to ask the House to go to a vote, which would, no doubt, be misconceived and misunderstood.

MR. GLADSTONE said, he was very much obliged to the hon. and gallant Member. He frankly owned, however, that when the hon. and gallant Member stated that he had spoken to the hon. Member for Oxford (Mr. Neate), and made a suggestion to him, he did so in a private manner. There was not a word now read which he did not own and avow.

MR. VERNON HARCOURT said, he wished the Committee to understand that they were now about to divide on the 3rd clause, and he wished to negative it because it proposed to place the Parks under park-keepers appointed by the Rangers, instead of placing them under the Metropolitan Police.

Question put, "That Clause 3 stand part of the Bill."

The Committee divided:—Ayes 206; Noes 66: Majority 140.

Clause 4 (Penalty on violating regulations in schedule).

MR. RYLANDS moved, in line 25, to leave out "five pounds," and insert "forty shillings." One of the offences for which a £5 penalty was to be imposed was that of driving or riding furiously, so as to endanger the safety of people; but the same offence, if committed in the streets, where furiously driving and riding were more likely to

endanger persons, was at present only liable to a penalty of 40s.

Amendment proposed, in page 1, line 25, to leave out the words "five pounds," in order to insert the words "forty shillings,"—(Mr. Rylands,)—instead thereof.

MR. BRUCE said, in every Act passed for maintaining good order in Parks the penalty imposed for this offence was £5 or under, at the discretion of the magistrates, and if it were deemed a heavy penalty the riders and drivers in the Royal Parks were the very persons who could afford to pay it.

MR. VERNON HARCOURT said, that the Bill of 1867, which was the Bill of a Conservative Government, imposed a penalty of 40s. That Bill was opposed by the Liberal party, and by the right hon. Gentleman now at the head of the Government, in order, perhaps, that he might afterwards introduce a Bill with a heavier penalty. One of the offences which were to be punished by arrest without warrant in the case of common people had, in respect to another person, been rewarded with a County Court Judgeship and a salary of £1,500 a-year. It was not correct to say that on the introduction of the Bill of 1867 the right hon. Gentleman now at the head of the Government was silent, for he expressed his views very clearly. Speaking of meetings in Hyde Park the right hon. Gentleman said—

"It is undesirable to forbid these things. In these meetings there is a certain desire of demonstration which I believe to be perfectly innocent and entirely devoid of any ulterior intention of the use of force. . . . I am apprehensive of a measure the effect of which will be to limit the power of holding open-air meetings. If the people wish to make a demonstration they may hold meetings in the streets, in Trafalgar Square, and in the open spaces within the metropolis, other than the Parks, which will be more inconvenient to the public than the holding of such meetings in the Parks."—[*3 Hansard, clxxxix.* 394.]

He would read, with reference to this offence liable to a penalty of £5, a passage from the speech of one whose absence they all regretted, and those below the gangway especially regretted, because had he been present they would not be brooding over the broken fortunes of a shattered and disheartened party. [Laughter.] The right hon. Gentleman (Mr. Gladstone) laughed. They—the hon. Gentlemen below the gangway—did not laugh. They had too much to swal-

low. The sentiments of that right hon. Gentleman (Mr. Bright), who was once a Member of the present Government—and if he had still been one this Bill would never have been introduced; and if he had still been in his place in the House the Bill would have met with his severest opposition—were worth attention. The right hon. Gentleman said—

"But if these great meetings have not been attended with any evil results, is it worth while, or statesmanlike (there were statesmen in those days), or sagacious (there were sagacious men, too, in those days), to introduce such a measure at this moment. . . . I believe, moreover, that the Bill will fail in times of excitement. Your 40s. fine, your £10 fine, your police magistrate, all will go down in a period of great excitement among a great population."—[*Ibid.* 401.]

MR. GLADSTONE made an observation which was not heard.

MR. VERNON HARCOURT said, that was a higher fine, no doubt, than the present Bill proposed; but as the right hon. Gentleman (Mr. Gladstone) had once already that evening requested that he might be allowed to finish his sentence without interruption, he would, perhaps, extend the same courtesy even to an hon. Member below the gangway. No doubt the £10 fine was more severe in the Bill of the Conservative Government than the present one; but in all other respects the penalties were lighter. The Conservative Government had been content, in other respects, with a penalty of 40s., and it had not sanctioned arrests without warrant. These were discoveries reserved for a Liberal Administration. But it was an age of progress, and they were a party of progress. The right hon. Member for Birmingham continued—

"The effect of your passing this Bill now, when you are sending to the House what may possibly be a more liberally elected Parliament (that now sitting), will be that this Parliament will leave behind it a grievance which, in my opinion, will rather stimulate the minds of 190,000 people in the metropolis, and will make them long rather to go to the Park in order to show their resentment against such a measure. I suppose it will not be possible, even after this Bill has passed, if, unfortunately, it should pass, to prevent 100,000 people going into Hyde Park.

I do not object to the Parks being kept with great care for the free enjoyment of the people, but I hold that there is no enjoyment, there is no duty, there is no assemblage more becoming a free people to take part in than such meetings. . . . I think the House will feel that unless there be a very strong, urgent, and unanswerable necessity, it is not our duty, or our interest, to make more stringent laws with regard

to the holding of public meetings. . . . Trust the people then in the future as you have in the past. Make no new laws on the matter. Ought we to shut the gates of the Park in order that the nerves of certain genteel classes may not be shaken by the ungentle presence of the people? I would not bolt the doors of the Park, and say to the millions who are not of the genteel class that they shall not come into the Park because they are apt to disturb the nerves of those who are more genteel."—[*Ibid.* 401-2.]

No doubt these were strong words; but the nerves of the unreformed Parliament were stronger than the nerves of the Parliament of to-day. The House should remember that under this Bill the question as to whether any given public meeting was or was not to be held in the Park would depend, not upon the strict interpretation of the law of the land, but upon the will of two officials—the Commissioner of Works, who might be a Member of this or that party, and the Ranger, who might represent neither side of the House. It was most unjust, whether with respect to public meetings or the various offences included in the schedule, to impose a penalty such as no Government had ever before ventured to impose. The Bill of the late Government did not, except in the case of public meetings, include the power of summary arrest for breach of regulations. He should therefore support the proposal of the hon. Member for Warrington (Mr. Rylands) to reduce the penalties to that which every borough magistrate knew to be the maximum fine for moderate offences—namely, 40s.; and he trusted the right hon. Member for the University of Oxford (Mr. G. Hardy) would support this view of the matter also.

MR. AYRTON regretted his hon. and learned Friend was not content with discussing the clause before the Committee, and submitted that it would be better to take the clauses in their order. If the hon. and learned Member did this, he might read all *Hansard* through if he liked. The present question was that, assuming the propriety of making regulations for the general use and enjoyment of the Parks and the prevention of mischief and destruction of property therein, what regulations should be made? His hon. and learned Friend sought to protect the poor and put them on an equality with the rich; with this object in view he suggested a small penalty; but surely this would not do, because a man with a good coat on his back would not feel a fine of

40s., and if a maximum fine of £5 were named in the Act, a fine which was taken from the general clauses of the Metropolitan Police Act, it did not follow that the full penalty would be imposed in the case of offenders whose means were small. He referred the hon. and learned Member to the Act of last Session, passed on the recommendation of his Committee.

MR. VERNON HARCOURT said, he was totally unacquainted even with the title of the Bill referred to.

MR. AYRTON said, it was extremely unfortunate; but his hon. and learned Friend was ostensibly the Chairman of the Committee to secure Open Spaces for the enjoyment of the people, and notwithstanding he had attended public meetings and addressed large audiences, expatiating on the demerits of everyone who opposed him, yet when he was looked up to for instruction he denied all knowledge of matters in which he had taken this leading part. He found that last year a series of by-laws, enforceable by penalties of £5, had been passed for regulating a common within the limits of the metropolis by a body of Conservators, persons as horrible even as a Ranger, since they were not directly responsible to the House. In fact, they were, if anything, worse, for a Ranger could be removed on the advice of Her Majesty's Government, whereas he knew of no human power which could remove a whole body of Conservators. Notwithstanding the disclaimer of his hon. and learned Friend, he must repeat that the Bill had been passed under his auspices—he might say, under his patronage. But his hon. Friend, like other great patrons, did not know what was done in his name.

MR. GATHORNE HARDY said, the arguments of the right hon. Gentleman (Mr. Ayrton) were very convincing. In point of fact, the penalty was £5, but "not exceeding £5," and he thought they might well trust to the discretion of the magistrates to discriminate between rich and poor.

MR. VERNON HARCOURT said, the right hon. Gentleman the First Commissioner of Works had again made a statement which he felt bound to point out was wholly incorrect. Section 54 of the public Act which had been referred to, imposed a penalty, not of £5, but of 40s. [Mr. AYRTON rose to make an ob-

servation.] His right hon. Friend would have an opportunity of correcting him by-and-by. [Interruptions.] But perhaps the Prime Minister would wish to correct him at once.

MR. GLADSTONE rose to Order, and requested his hon. and learned Friend would not make remarks on persons around him. For his own part, he had been entirely and absolutely silent.

MR. VERNON HARCOURT said, that perhaps he had been mistaken as to the quarter from which the interruption proceeded. There was, at all events, one hon. Member who was not "entirely and absolutely silent." The question was, what was the ordinary rule in cases of the kind as to penalties of the sort. The 54th section imposed a penalty of 40s., and that included a case in which the Commissioners of Police were allowed to act, which led back to the wretched precedents of former days.

MR. AYRTON said, his hon. and learned Friend impugned his accuracy, but had himself abstained from reading the further clause, which declared that "for every offence for which no special penalty was imposed a penalty not exceeding £5," might be recovered.

MR. RYLANDS said, he thought it monstrous that penalties "not exceeding £5" should be imposed on persons walking on any shrubbery or flower-bed, or plucking a flower or leaf. It amounted to persecution.

MR. OTWAY said, the First Commissioner of Works appeared to be exceedingly disingenuous in his explanations; and, for his own part, he must apologize to the right hon. Gentleman for not being able to change his opinions as quickly as he had done. If the right hon. Gentleman really wished to distinguish between the man with a good coat on his back and the man with a bad one, why did he not confine the penalty of £5 to persons riding furiously, and why did he visit with the heaviest fine persons playing at games or playing music in the Parks? A worse or more mischievously drawn Bill, or part of a Bill, than Schedule 1 he had never seen—unless, indeed, it was Schedule 2. He remembered that in 1867, at the time when the right hon. Gentleman was opposing with great earnestness the Parks Bill, brought in by hon. Gentlemen opposite, it was always said—"Why do you come to Hyde Park? Why not go to Prim-

rose Hill, or Hampstead Heath, or other open spaces?" By this Bill neither Primrose Hill nor Hampstead Heath would be any longer an open space, and Primrose Hill was brought within the provisions of the schedule. He would not use towards the right hon. Gentleman language which he had used towards the Royal Family—giving them "notice to quit," and saying that they must be out of St. James's Palace within one year, but he would ask how he proposed to deal with any unhappy foreigners with exaggerated notions of the right of public meetings, but without the sum of £5 in their pockets, who might happen to be brought up for violating the provisions of this Act? [Question!] He could not conceal his regret at finding Gentlemen on the Treasury bench bringing in a Bill far more stringent and far more offensive than had ever been brought in by the party opposite.

MR. HENLEY objected to many parts of this Bill, and he considered £50 as a penalty was not too much for rich people who committed the offences mentioned, and knew at the same time that they were breaking the law. One of the regulations of the right hon. Gentleman the First Commissioner of Works was the offence of disturbing anything grazing. Had he inserted the word "wilfully" it would have exempted children running about from being subjected to such a penalty.

MR. GEORGE HAMILTON said, he was astonished to find Gentlemen unconnected with the metropolis raising objections to a Bill, which, in the Select Committee, metropolitan Members had allowed to make very considerable progress before any division was taken. The hon. and learned Gentleman the Member for Oxford (Mr. Harcourt), had no right to assume, as he did, that all the persons punished under this Bill would belong to the working class, or that they would be fined in the full penalty of £5. The hon. Member (Mr. Otway) had stated that he had not changed his opinion so rapidly as certain other hon. Members; but in glancing through the pages of *Hansard* he found that in 1867 the hon. Member spoke thus in reference to the Parks—

"He had already expressed an opinion that Hyde Park was not at all a suitable place for holding political meetings; and he therefore had no sympathy with those who intended to hold a

political meeting in that place."—[*3 Hansard, clxxxvi. 1981.*]

MR. MACFIE said, the noble Lord who had just sat down, had stated that this Bill was interesting only to metropolitan Members; but he must have forgotten that Holyrood Park was included in the schedule of the Bill. The people in the Northern part of the island were not accustomed to such large fines as £5.

Question put, "That the words 'five pounds' stand part of the Clause."

The Committee divided:—Ayes 183; Noes 59: Majority 124.

House resumed.

Committee report Progress; to sit again To-morrow.

RAILWAY COMPANIES AMALGAMATION

MOTION FOR A SELECT COMMITTEE.

MR. CHICHESTER FORTESCUE, in rising to move that a Select Committee be appointed to join with a Committee of the Lords to inquire into the subject of the Amalgamation of Railway Companies, with special reference to the Bills for that purpose now before Parliament, and to consider whether any and what Regulations should be imposed by Parliament in the event of such Amalgamations being sanctioned, said, that proposals of amalgamation among railway companies of a most important and unusual kind had been made in the present Session. Twenty years ago a Committee had reported against the system of amalgamation; but since that Committee reported amalgamation had gone on as merrily as before—the fact being that 5,000 miles of railway had been added to the greater railways since that time. Applications had been made by a great many towns in the North of England—and from Liverpool in particular—against committing these Bills to the ordinary course of Parliamentary procedure, and in favour of such a Parliamentary Inquiry as was now proposed. He thought that great advantage would result from an inquiry into this subject by a limited number of distinguished Members of both Houses of Parliament. It must not be supposed that in proposing this course the Go-

vernment in the slightest degree wished to avoid responsibility in this matter. The proposed inquiry would bring Parliament and the public face to face with the difficulties of the question. The result might have an important bearing on the relations between the State and the railway companies.

MR. SCLATER-BOOTH said, he thought the Government had taken a very wise course, though some hon. Members of high authority distrusted the prudence of the course. He hoped the proposed number of the Members of the Committee would be stated.

MR. CHICHESTER FORTESCUE: The number will be 12.

MR. NORWOOD rejoiced that the Government had taken this step, but added that the amalgamation of canal, harbour, and dock companies should also be considered.

MR. PRICE supported the Motion, and said that the railway companies would concur in this—that there should be no direct representation of their interest upon the Committee; but, at the same time, he thought that the representation of all antagonistic interests should be also excluded. He concurred that canal companies amalgamation should be considered, and thought that "trucking" arrangements should be likewise taken into consideration. He hoped that the Committee would succeed in laying down definite rules for their future guidance.

MR. GLADSTONE assured the House that the Government would enter into the inquiry without any bias whatever; but when these great bodies came to Parliament for an enlargement of their powers, it was but fair that Parliament should affix to the arrangement such conditions as they should see fit. With regard to representation, he admitted that it was desirable to exclude from the Committee, as far as possible, direct and positive sympathies of a professional kind; but it was absolutely impossible to exclude what might be a perfectly real and very important interest in railways, in the shape of shareholders.

MR. WHITWELL said, he hoped that canals, docks, and harbours would be in terms the subject of reference to the Committee.

MR. CHICHESTER FORTESCUE said, he could not consent to alter the terms of reference; but the interests

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referred to would naturally come before the Committee.

Motion agreed to.

Select Committee appointed, "to join with a Committee of the Lords to inquire into the subject of the Amalgamation of Railway Companies, with special reference to the Bills for that purpose now before Parliament, and to consider whether any and what Regulations should be imposed by Parliament in the event of such Amalgamations being sanctioned."—(Mr. Chichester Fortescue.)

And, on February 20, Committee nominated as follows:—Mr. CHICHESTER FORTESCUE, Mr. HUNT, Mr. CHILDERS, Mr. STEPHEN CAVE, Mr. Dodson, and Mr. Cross:—Power to send for persons, papers, and records; Three to be the quorum.

MASTER AND SERVANT (WAGES) BILL.

On Motion of Mr. WINTERBOTHAM, Bill to amend the Law with respect to the payment of Wages to Workmen in certain Trades, ordered to be brought in by Mr. WINTERBOTHAM and Mr. Secretary Bruce.

Bill presented, and read the first time. [Bill 85.]

THANKSGIVING IN THE METROPOLITAN CATHEDRAL.

Mr. Secretary Bruce informed the House, that Her Majesty has been graciously pleased to signify Her desire that Mr. Speaker should join in Her Majesty's Procession to St. Paul's Cathedral on the 27th instant.

Resolved, That this House doth agree to Mr. Speaker's attendance in Her Majesty's Procession to St. Paul's on the 27th instant.

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, 23rd February, 1872.

Their Lordships met;—

AMALGAMATION OF RAILWAY COMPANIES.

Message from the Commons that they have appointed a Committee, to consist of six members, to join with a Committee of their Lordships to inquire into the subject of the Amalgamation of Railway Companies with special reference to the Bills for that purpose now before Parliament, and to consider whether any and what regulations should be imposed by Parliament in the event of such Amalgamations being sanctioned, and to request that their Lordships will be pleased to appoint an equal number of Lords to be joined with the Members of that House:

Ordered, That the said Message be taken into consideration on Monday next.

And having gone through the Business on the Paper, without debate—

House adjourned at a quarter past Five o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 23rd February, 1872.

MINUTES.]—SUPPLY—considered in Committee

—Committed R.P.

PUBLIC BILLS—Ordered—First Reading—Building Societies * [66].

Committee—Royal Parks and Gardens [17]—R.P.
Committee—Report—Reformatory and Industrial Schools * [25].

Third Reading—Public Parks (Ireland) * [41],
and passed.

DANUBIAN PRINCIPALITIES— ATTACKS ON JEWS IN ROUMANIA.

QUESTION.

SIR FRANCIS GOLDSMID asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have received information of tumultuous attacks made on the Jews in several towns of Roumania, in consequence of an accusation made against a Jew of having stolen a sacred article from a church in Ismail; and, whether instructions have been given to Her Majesty's Consul General in Bucharest to make any friendly representation on the subject to the Roumanian Government?

VISCOUNT ENFIELD: Sir, both at Ismail and at Cahul, a small town 40 miles from Galatz, disturbances have arisen, and attacks been made upon the Jewish population of those districts, in consequence of an act of sacrilege and robbery that had been committed in the early part of January by a Jew in the Cathedral Church of Ismail. Mr. Consul General Green reports that he has appealed to the Roumanian Government to restore order, and Her Majesty's Government, on hearing of these disturbances, at once telegraphed to Mr. Green to do all in his power for the protection of the Jews.

IRELAND—PUBLIC EDUCATION.

QUESTION.

MR. LESLIE asked the First Lord of the Treasury, Whether, in his reply to a Memorial signed by the Roman Catholic Bishop of Cork on the subject of Education in Ireland, the words—

"When Her Majesty's Government find themselves able to make any proposal upon any portion of the Public Education of Ireland, it will be framed in accordance with the declarations heretofore made by them on various occasions," may be interpreted as a declaration in favour of the national system of Educa-

tion as opposed to the denominational system?

MR. GLADSTONE: I do not think, Sir, it would be convenient—and I think the hon. Member for Monaghan (Mr. Leslie) will agree that it would not be convenient—in answer to a Question to enter upon a detailed statement of the views of the Government with regard to national education in Ireland; and especially when the hon. Member speaks of "the national system of Education as opposed to the denominational system." If I were to adopt that phrase of his, I should immediately be entangled in the necessity of answering many other Questions as to the degree in which the national system in Ireland is harmonious with the denominational system, or stands opposed to it. I will, therefore, only say this—that I can sum up in one sentence what I take to be the general effect of the declarations made heretofore by Members of the Government on various previous occasions with respect to the national system in Ireland; and the sentence is to this effect—that, while before taking office and since taking office we have pointed to the system of the higher education in Ireland as requiring some material change in the public arrangements of the country to be introduced, in order to do justice to all portions of the Irish population, we have never made any such declaration with regard to the system of national or primary education in Ireland, but have always said that, as far as we were able to judge, it did not call for anything in the nature of a fundamental change.

CANADIAN AND AMERICAN FISHERIES—COLLISIONS BETWEEN FISHERMEN.

QUESTION.

MR. D. DALRYMPLE asked the Under Secretary of State for the Colonies, Whether any measures have been taken to prevent collisions between Canadian and American fishermen in North American waters during the coming fishing season?

MR. KNATCHBULL-HUGESSEN: Sir, I am happy to say that during the last season there were no collisions between Canadian and American fishermen, and we hope that the coming season may show no other result. But, according to the usual practice, instructions on the subject, calculated to avert disagreeable results, will be sent at the

Mr. Leslie

proper time to the Admiral on the station.

IRELAND—OFFICE OF CORONER.

QUESTION.

MR. VANCE asked the Chief Secretary for Ireland, At what period of the Session it is the intention of the Government to introduce their promised measure for the regulation of the office of Coroner in Ireland?

THE MARQUESS OF HARTINGTON said, he hoped very shortly, and certainly before Easter, to introduce a Bill dealing with the duties and emoluments of several county officers in Ireland; and he did not see any reason why the regulation of the office of coroner should not be included in the same measure.

THANKSGIVING IN THE METROPOLITAN CATHEDRAL—THE ROYAL PROCESSION.

QUESTIONS.

MR. CADOGAN asked the Secretary of State for the Home Department, If his attention has been drawn to the insecure nature of some of the private structures that are being erected for persons viewing the Royal procession on Tuesday next; and, if so, whether he proposes to order any official inspection of these structures?

MR. BRUCE said, he had received no statement as to the insecurity of those structures. The whole matter, however, was under the special charge of the Metropolitan Board of Works, who, under the Metropolitan Buildings Act, had power to instruct their district surveyors to inspect the structures, and if any should be reported by them as insecure or in a dangerous condition, steps would be taken to have them removed, or put into a proper state at the expense of the owners. The Board had, accordingly, directed all the district surveyors to make a careful inspection of all the structures erected along the line of route, and they had asked for and obtained the assistance of the police in doing so.

MR. KENNAWAY asked the First Lord of the Treasury, Whether it is true, as reported, that the State Procession to Saint Paul's on Tuesday next will consist only of the Royal carriages; or whether, seeing the preparations everywhere making to witness it, it is intended to invite the attendance of the Chief State Officials to accompany the procession?

MR. GLADSTONE: Sir, I have, in pursuance of the Notice given me by the hon. Member for East Devon (Mr. Kennaway) yesterday, made inquiries of the Lord Chamberlain as to the arrangements which have actually been made, and they are, as I understand, as follows:—The procession will be in two principal portions, divided by a certain number of the military; and in the first of those portions there will be the carriages which convey and which will form the suite of the Speaker of the House of Commons, the Lord Chancellor, and the Duke of Cambridge. In the second, and principal portion of the procession, there will be nine State carriages, conveying the Sovereign, the Members of the Royal Family, and all those who will be in attendance upon them. That is all the information I can give upon the subject.

LODGE GEORGE HAMILTON asked the First Lord of the Treasury, If Her Majesty's Government will, on the 27th instant, make such arrangements in the Public Offices as will enable as many of the servants of the Crown as possible to participate in the general Thanksgiving?

MR. GLADSTONE: Sir, in reply to the Question of the noble Lord the Member for Middlesex (Lord George Hamilton), which I think is framed in very reasonable and considerate terms, I have to state that authority will be given to the heads of the respective offices and departments to make such arrangements as are described in the Question.

MR. W. H. SMITH asked the hon. and gallant Member for Truro, the Chairman of the Metropolitan Board of Works, Whether his attention has been called to the serious inconvenience that will be occasioned to the inhabitants of the upper part of Park Lane, by the erection of a booth by the Board of Works, by which their view of the procession will be totally obstructed?

COLONEL HOGG said, in reply to the Question of the hon. Member for Westminster (Mr. W. H. Smith), that the structures now being put up in Hyde Park, through the kind permission of the Ranger, by the Metropolitan Board of Works, although they were intended for the accommodation of the vestrymen and the Local Boards—[“Oh, oh!”]—yes, of the vestrymen and local boards who devoted so much time to their pub-

lic duties—notwithstanding that, the Board, taking into consideration the fact that these structures would entirely obstruct the view from a certain number of houses, had determined to send the inhabitants of these houses tickets of admission to the booth, as far as was practicable.

LODGE ELCHO, as a ratepayer, wished to ask the Chairman of the Metropolitan Board of Works who was to pay for these erections by the Board of Works? [“Oh, oh!”] He was perfectly justified in asking whether the expense was to be paid out of the rates, or were the vestrymen to take tickets for the booth, and pay for them?

COLONEL HOGG said, whenever any person had the honour to occupy a public position, it was always better that Notice of a Question like this should be given him. He should, however, give an explanation to the noble Lord. The cost of the erections in Hyde Park and on the Holborn Viaduct would come out of the rates of the Metropolis. Perhaps the House would allow him to add that of late these rates had been gradually decreasing.

MR. PLUNKET said, it had come to his knowledge that there was to be a national Thanksgiving service on Tuesday next in St. Patrick's Cathedral, Dublin, at which his Excellency the Lord Lieutenant of Ireland was to be present in State, and he desired to know, Whether the Irish Executive intended making such arrangements in the public service as would enable as many of the Irish civil servants of the Crown as possible to participate in the general Thanksgiving?

THE MARQUESS OF HARTINGTON said, he should have been glad to give the hon. and learned Gentleman the information he sought for had he possessed any on the subject of his Question; but he had heard nothing with reference to it, and therefore he was quite unable to give him an answer. He would, however, inquire what could be done before the Thanksgiving Day, and would forward any attempts that might be made to secure its due celebration in the City of Dublin.

**NAVY — REPORT OF THE COMMITTEE
OF DESIGNS ON SHIPS OF WAR.**

QUESTION.

LORD HENRY SCOTT asked the First Lord of the Admiralty, Why the dissentient Report of two members of the Committee of Designs on Ships of War has been presented as a separate Paper, and does not, as usual, follow immediately after the Report of the majority of the Committee, and form a part of the same Paper as presented on February 19th; and, whether, for the convenience of reference, instructions could not be given that they should be attached together in the usual form in those copies which have not yet been issued?

MR. GOSCHÉN said, the dates of the Reports—namely, the 26th of July and the 14th of October, would show why they were not given together. Moreover, the Report of the two dissentient members of the Committee was really not a Report from the Committee at all, because they did not follow the usual course of presenting a Report, and having it discussed by the Committee, but they dissented from the Report; and, the Committee themselves being *functi officio*, the officers in question, two or three months afterwards, sent in a Report to the Admiralty criticizing the Report of the Committee, and stating their own views. Their Report was not a document emanating from the Committee at all.

**EDUCATION DEPARTMENT — SCHOOL
ACCOMMODATION.—QUESTION.**

MR. CARTER asked the Vice President of the Council, If instructions have been given by the Education Department to School Boards not to provide more school accommodation in their districts than the actual deficiency, calculated on the cubical contents of such accommodation required, without regard to the suitableness of the existing schools in respect of denominational teaching therein: and, whether the Inspectors of Schools have authority to represent that the Education Department are opposed to the establishment of new Board Schools in districts where the existing schools are found to be unsuitable to the requirements of the population in consequence of the denominational character of the teaching in such schools?

MR. W. E. FORSTER said, that no instructions had been given by the Education Department to school boards not to provide more school accommodation in their districts than the actual deficiency calculated on the cubical contents of such accommodation required, without regard to the suitableness of the existing schools in respect of denominational teaching therein, and that no authority had been given to the Inspectors of Schools to represent that the Education Department were opposed to the establishment of new board schools in districts where the existing schools were found to be unsuitable to the requirements of the population in consequence of the denominational character of the teaching in such schools; but he might state that it was the wish of the Department to leave as much as possible in the discretion of the school boards the mode of supplying the deficiency in school accommodation. The Education Department generally informed school boards that it considered the boards had power under the 18th and 19th sections of the Act to provide board schools on their own responsibility; but that if they wished to obtain the recommendation of the Department to the Public Loan Commissioners, with the view to obtaining a loan under Section 57 of the Act, inasmuch as the fund out of which that loan was to be made was a limited one, the Department thought it necessary to satisfy themselves that the money was really required for educational purposes before making such a recommendation. In so doing, the Department gave the utmost consideration to the statement of the representatives of the ratepayers. They had issued instructions to the Inspectors on the subject, and he would, in this instance, have no objection to lay them on the Table if the hon. Member should think fit to move for their production.

**IRELAND—EXTRA POLICE IN MAYO.
QUESTION.**

MR. G. BROWNE asked the Chief Secretary for Ireland, Whether it is the intention of Her Majesty's Government to relieve the Ratepayers of certain districts in the County of Mayo of the tax imposed upon them for maintaining an extra force of police?

THE MARQUESS OF HARTINGTON said, that in 1870 the disturbed state of the county of Mayo made it necessary to increase the number of the constabulary under the Constabulary Act, and also to establish special stations under the Peace Preservation Act. Since that time, however, he was happy to say that the condition of the county had improved; and if it continued to improve he hoped very shortly to be able to make some material reduction in the constabulary force in that county.

JURY LAWS.—QUESTION.

MR. LOPES asked **Mr. Attorney General**, Whether he will be able to introduce his promised Bill for amending and consolidating the Law in respect to the summoning, attendance, and remuneration of Jurymen before Easter; and, if not before Easter, when?

THE ATTORNEY GENERAL said, that, although the present state of the law relating to jurymen was not what could be desired, it was by no means easy to frame a remedy for the evils complained of. He would, however, bring the matter under the notice of the House as soon as possible, and in such a manner as he hoped would be satisfactory.

ROYAL PARKS AND GARDENS BILL.

QUESTION.

SIR WILFRID LAWSON asked the First Commissioner of Works, Whether the Royal Parks and Gardens Bill will be proceeded with that night?

MR. AYRTON said, that if it were the pleasure of the House not to proceed with the first Order of the Day, they would naturally proceed with the second Order of the Day.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

LEA CONSERVANCY ACT (1868).

OBSERVATIONS.

MR. DIMSDALE, in rising to call the attention of the House to the operation of the Lea Conservancy Act, 1868, and to the heavy pecuniary burdens its provisions impose on the residents in the towns and villages situate on the

banks of the Lea and its tributaries, said, that in this case he had on three separate occasions—once in 1870, and twice in 1871—drawn the attention of the right hon. Gentleman the Secretary of State for the Home Department to the pollution of the river by sewage, and in reply had received the statement that the Government were giving the matter their attention; but nothing had been done by them to remove the grievances under which the residents of the places he had referred to were suffering. He was very much impressed with the idea that the small Conservancy Boards were very unsatisfactory; but now that it had been suggested in the Public Health Bill that the question of the pollution of rivers should be referred to the Local Boards, he could not see how the general measure which had been promised could be framed. The origin of the Lea Conservancy Board was owing to an idea which became very prevalent, that the outbreak of cholera in a portion of London in 1866 had been caused by the polluted condition of the water supplied from the Lea River; but Dr. Lethaby, after a careful examination, had been unable to trace any portion of the disease to the use of the water. The result of the investigation, however, that was made about that time, had been that the Lea Conservancy Act of 1868 was introduced, under which the residents on the watershed of the Lea were forbidden to drain into the river. The residents in Luton, Tottenham, and West Ham had, however, been treated very differently under that Act, for the towns above the intake of the water companies, with the exception of Luton, and Luton above the intake, were forbidden to deposit in the river any sewage matter, while the towns below it were allowed the benefit of special clauses; the Act thus throwing a very heavy expense on the former, and the landowners of the locality. In saying what he had said, he must not be represented as objecting to the water companies enjoying large dividends, or to the East-end of London obtaining pure water, but it was not fair that the cost of this should be thrown on third parties, and he was of opinion there should be a re-construction of that portion of the Act. Another hardship arising under the Lea Conservancy Act was, that it contained no standard of purity, and the Board had refused to

receive compensation, or to state what contributions would satisfy them when authority should be exercised strongly with the money employed by the Conservancy Commission. Mr. Gurney had been asked by the Board of the towns and landed proprietors in the Lea area. As there was no such standard laid down, the towns concerned would have to submit to an arbitrary expenditure. It was said that there would be great difficulty in laying down a standard of property because there were such variations in the area as the Thames in the Report of the Water Supply Commissioners of 1866, and in the Report of the Rivers Protection Commissioners presented to Parliament in 1867. The Local Member quoted at length the standard of property laid down by Captain Burrows in his evidence before the Water Supply Commissioners, 1866, laying down a standard of property, the value of which was guaranteed by the Legality of the Rating, and Proprietors' Contribution. He also read a quotation from the Report of the Rivers Protection Commissioners of 1867, laying down a higher and more comprehensive standard of property and argued that it was quite possible to lay down a standard which would be safe. The towns of Hertford having been thus placed in a liability had applied to the Conservancy Board and interceded for an extension of the period for completing their work, and ultimately did so upon the 1st January 1868. The Member also spoke of the levelling work, which is now available through the action of the standard of property of the Rivers Protection Commissioners. On the Inspector's report given by the Board had recommended that first of all to apply under the 1867 Act a Local Conservancy Board for provincial districts having a standard of property as a rule of the Lee Conservancy Act. He said that he was glad this was right, but he had a few points to raise. First, he wanted to say that the representation of the Lee Conservancy Board was faulty. He had been informed by a local Board for 10 years and he could say that there never was a more unrepresentative Board constructed under an Act of Parliament. It was not entitled for representation, and the large sum of the contribution of £10,000. The Lee Conservancy inferred from the Thames Conservancy in this respect—

upon the former there were four members who represented the water companies, but there were no such representatives upon the Thames Board. Upon the Thames Conservancy Board the members were paid by the companies themselves for holding after their interests; but upon the Lee Board only the representatives of the water companies were paid, so that the members of the Board were partly paid and partly unpaid. It was also provided in the Lee Act that there should be five representatives of the riparian proprietors; but the result of the first election, so it was the system framed, was that five trustees were returned as representatives of the landed interest, and there was not a single landowner on the Board. Every land owner having two acres in land within 100 yards of the Lee and its tributaries was entitled to a vote, but no proper safeguards were provided for ensuring a proper registration. In consequence many bad votes had been placed on the register roll. The constituency was an unwieldy one, and the representative body was not accustomed to act, and the result of the election was as he had foretold altogether to qualify the exercise of the powers of the Act. Hertford was especially badly treated. Under the old system the Mayor of Hertford was always a trustee of the Lee navigation, but under the present system he had only one vote for a representative. Again, the chairman of the Local Boards returned one representative, but these chairmen were not in the habit of acting together, and it was really a matter of haphazard who was returned. As a remedy calculated to less a the evils of which he complained he wished—first, that a definite standard of property should be fixed; secondly, that security should be given that the river companies should contribute a sum sufficient for their benefit; thirdly, that the Local Board should be reformed.

Mr. H. M. WYVILL, in supporting the motion, said that the Chairman the Member for Hertford, Mr. Threlkeld, said it was a fault of the Lee Conservancy Board that it did not do more to go into the towns, but they gave no standard of property to the other water; so that towns had the power to throw back such water even as they chose, notwithstanding that the towns had constructed

works at great expense. What the towns concerned in the question wanted was, that something definite should be laid down for them, and that these enormous powers should not be held by the Lea Conservancy Board, or that the Government should step in and take them wholly away. The whole Board was re-elected every two years, so that they had no continuous existence, and it was not pretended that the members had any great scientific knowledge, or that they knew more of the requirements of modern science than the parish vestries and Local Boards with whom they were brought in contact. Another thing required was, that some person in authority should go down and sanction the local works which ought to be constructed. Hertford received £600 a-year from the New River Company, and nobody said that that was too much; but Ware, Stortford, Waltham, and Cheshunt were in a worse position, for they had the same task imposed upon them, but got no money at all. The towns were prepared so to conduct their works that the river should not be a nuisance; but if the interest of other people required it to be of higher purity, then they contended that those other people should pay for it. He thought it looked very like a hard case, if poor inhabitants of small villages were to be the first pioneers in river purification, as it seemed likely to be, if it was true as he understood, that the same system that was applied to the Lea River would some years later be applied to all the rivers in England.

MR. BRUCE said, he hardly knew how it was that he found it necessary to answer the observations of the hon. Gentleman opposite (Mr. Dimsdale), because he had supposed that last year the question was transferred from his care to that of the President of the Board of Health. The Act complained of was introduced by the Board of Trade, and the Home Secretary was only introduced into it for two or three special purposes—such, for instance, as being arbitrator between the local authorities, and to extend the time for the completion of works to purify water passing into the river. This subject was one of the greatest importance to the inhabitants of London, because the two companies that supplied water from the River Lea supplied, he believed, no less

than half the population of London. The complaint made by the hon. Gentleman was that the measures taken by the Conservators for the purification of this water were such as acted arbitrarily and unfairly on the local authorities. Of course those who were not immediately connected with this district would be apt to think that the Conservators or their officers were only doing their duty in exacting a very rigid test of the purity of the water which supplied so large a portion of inhabitants of the metropolis. The hon. Gentleman opposite, moreover, complained both that the Board was not properly constituted and that their proceedings were arbitrary, inasmuch as they had no fixed standard of purity. With respect to the first point, it was thoroughly considered at the time of the passing of the Act, and no change could be made in that respect without giving the notices which were necessary for dealing with the question relating to sewage operations; while with respect to the second, the answer which he would give was very much that which was suggested but not approved by his hon. Friend (Mr. H. Cowper)—namely, that this was one of the first experiments in dealing with large basins for the supply of water. In any future legislation dealing with the subject, measures might be taken in respect to the River Lea. At present, however, it would be premature to make any change. The general question, however, of the pollution of rivers, he admitted, was one which required the most serious consideration of the Government. In respect to the standard of purity, he was informed that within the last nine months an Inspector had been appointed on the part of the Conservators of the River Lea, and that tests of purity were applied by him which experience had shown to be reasonable and necessary. The hon. Gentleman opposite (Mr. Dimsdale) had referred to the test of purity suggested by the Commissioners on the Pollution of Rivers; but that was a test for water required for domestic purposes merely, and not for drinking purposes. It was the duty of the Conservators of the Lea to keep its waters fit not only for domestic purposes, but also for human consumption. It was not said that the tests applied were too severe; and he had been informed that the measures taken were

only such as a person whose duty it was to secure the public safety should resort to. As to the complaint that London, Richmond and West Ham had special advantages, the reason of that was, that those places were engaged at the time in carrying out expensive works for preventing the pollution of the river, and the rest of the district was left to the ordinary operation of the law. In his opinion of law had been made out for the responsibility of the Government. It was open to those who lived in the districts to take any steps that were necessary for their own defence, but the Government had no evidence that the Commissioners were acting in the public interest when resorting to more expensive measures than it was then necessary. It was suggested that the water companies took a portion of what by the government was set aside for them, and so relieved the commissioners of the expense. This they would do if the bill became law, but the question again was whether there could not be some other method adopted. He did not know whether the commissioners had any power to make regulations for the protection of the public health, but he thought that they had. He would like to have a copy of the bill, and then he would be able to advise the House.

The Committee was composed of 10 Members, five of whom were chosen by the House, and five by the Committee of Selection. Every interest was represented before the Committee, and counsel were heard on behalf of most of them. The Committee deliberated for a considerable time, and if any of the districts did not represent their case, it was their own fault. At the same time he was ready to confess, as he said at the time, that the case of Hertfordshire, of the riparian owners, and the towns on the banks of the river Lea, was excessively hard. The Duke of Richmond and himself had received many representations on the subject, and while they admitted that their case was a bad one, they did not see how they could get them out of the difficulty. In the first place, they were compelled to close their reservoirs, into which they formerly begged and to drain into the river. That was the recommendation of Hertfordshire's Committee. Then according to the recommendation of a subsequent committee, they were prevented from using the river at all for such purposes. They asked what under the circumstances they were to do—and they were recommended by some to purify the water by various expensive processes, and the sewage farms. Other suggestions were also made, but in the former experimental stage of the sewage system, he thought it would be dangerous for Parliament to commit itself to any course of which time had not tested the advantage. It was in consequence of the outbreak of cholera that he believed that the Act was passed, and that the sale of the public water was necessary that the water companies should be compelled to supply. The case, as he understood it, was a terrible hardship; but the question was, as it was now proposed, whether it was a just and a proper punishment for the public to bear, and upon any particular class of persons, which would be very reasonable.

He would also suggest that a penalty should be imposed on the water companies and no desire of his to interfere with their duty to the public, but he felt that they ought to be required to state what they intended to do in respect with the sewage system. He hoped that the Committee of Selection would consider that those who were compelled to pay would be in a great hardship,

and that, at least, the Act would be so amended as to enable them to appeal to some central authority.

MR. KAY-SHUTTLEWORTH thought that, in legislating for the conservancy of rivers, it was desirable that they should have a clear idea what object they had in view. They might have one of two objects—they might merely intend so to purify the matters thrown into the river as to render the river decent in appearance, free from offensive odour, and capable of supporting the life of fish; or they might aim at making the water of the river potable. It was admitted by his hon. Friend (Mr. Brand) that in the case of the Lea, it would be impossible to prevent the effluent matter from the sewage of Hertford, and other places, from ultimately reaching the river. Under these circumstances it was a mistake to give the water companies of London a representation on the Lea Conservancy Board. Such an arrangement was based on a wrong theory. For no efforts of these companies could render the water of the River Lea fit for drinking after it had passed through towns; and river water polluted by sewage had, according to the reports of Dr. Simon and other authorities, been a means of bringing cholera into London in the epidemics of 1854 and 1866. The Conservators should not be bound to do more than carry out the recommendations of the Rivers Pollution Commission, who reported that after river water had thus been made inodorous and clear, it would still be unfit for human consumption. He hoped that the House would some day come to the conclusion that the water supply of a great city should be obtained either from the head-waters of rivers or pure springs.

MR. AYRTON hoped it would not go forth that the inhabitants of the metropolis were in danger of being attacked by cholera in consequence of drinking the waters of the River Lea. As Chairman of the Committee on the River Lea Bill, he had heard all the evidence that had been given by the medical men and others, and the conclusion of the Committee was, that if reasonable care and precaution were taken, the water of the Lea was perfectly fit to drink, and that there was not the least necessity to go to other sources for supplies. It was a great mistake, he might add, to suppose that any injustice was done by the Bill

either to the towns or the landowners of Hertfordshire; nor could he conceive any better mode of obtaining an intelligent Board than by having its members elected by the chief gentlemen of the county; and the result was, that the Board was fully qualified to take all the necessary precautions to prevent any sewage from being unnecessarily let into the river. The water companies, moreover, were represented at the Board for the reason that they had placed a very large sum of money at the disposal of the Conservancy, and had therefore a right to see that the money was properly expended. The three towns referred to by the hon. Member for Hertford (Mr. Dimsdale) had taken steps to prevent the pollution of the river; but the other towns of the district had taken no trouble whatever to prevent the flow of sewage into the river, but left the matter to the ordinary operation of the law. Those towns and the towns on the Thames were placed precisely on the same footing, and there was not, therefore, the smallest reason for supposing that the water of the Thames was not fit to drink. On the contrary, it was peculiarly fit to drink; and he could conceive nothing more injurious than that a contrary idea should be spread abroad by those who wanted them to go for their water supplies to the lakes of Cumberland or Wales. One of the objections to that course was, that the metropolis might, by a casualty to the aqueduct, be deprived of water for drinking or for any other purposes. That would be a catastrophe of a most alarming character. The present system was infinitely better than such a suggestion, and afforded an assurance against an interruption of supply. The evidence was pretty clear that the cholera was brought into the port of London from Amsterdam, and that it was in no way to be attributed to the water supply of the metropolis.

THE EX-NAWAB OF TONK. MOTION FOR AN ADDRESS.

SIR CHARLES WINGFIELD, in rising to bring the case of the ex-Nawab of Tonk under the notice of the House, and to move—

"That an humble Address be presented to Her Majesty, praying Her Majesty to refer the case of the Ex-Nawab of Tonk for consideration by the

Judicial Committee of the Privy Council, under the provisions of the 3rd and 4th Will. 4. c. 41, s. 4, commonly called the Privy Council Act."

said, he hoped no remark he might have to make would be understood to cast reflection on the right hon. Baronet the Member for North Devon, Sir Stafford Northcote, for whom he entertained the highest respect, and especially respected in his capacity as Secretary of State for India, and it also fails it to be a great desire to know what in the observations which he was about to make, he need not consider as touching the highest degree the conduct of the lamented Nellie when she had so recently fallen a victim in India to the hands of an assassin. It will like the rest of us, be said, be a peculiarly painful subject to the British in India, but it was so far a departure from the conduct of our own Government in India, few of us could but have lived under the impression that the Indian Government were responsible for the brutal murder of the Queen of the Peshwars.

House would probably attach no great weight to his report. On the 14th of August following, Captain Bruce, another political agent, arrived on the spot to make an investigation, and he reported on the 26th to his superior, Colonel Eden. Both those officers agreed in thinking that there was no judicial evidence against the Nawab, although they were of opinion that the Lawas people had been entrapped and murdered, and that the Nawab was privy to the design. But while Captain Bruce was of opinion that it was not his intention to kill them, but simply to secure their persons, Colonel Eden thought the intention was to take their lives. The Government of India, agreeing in the view taken by Captain Bruce, sent home a despatch to the Secretary of State, and by him the sentence of deposition passed on the Nawab was commuted. The only witnesses to what had occurred were the parties to the conflict themselves, and it was obvious that it was of great importance for the purpose of eliciting the truth of the matter—the statements of the parties—that the interior of the building should be examined with the view of ascertaining whether it had any marks of violence or murder. No such step had, however, been taken. Captain Bruce had examined the exterior of the building. He had described the appearance of the rooms and outer ambuscades, where he had observed no such marks, and therefore he was not therefore apprehensive.

Two nights previous to the arrival of Captain Blair, Mr. Bentinck had engaged Captain Blair, who had been sent to visit Took, to make a tour of Regency, and was shown the scenes of the Sultan's performance, and the specimens of the arms which were removed from the fort. This was also done at night.

His experience of the Indian service had given him a large amount of knowledge, and he was acquainted with the character of the men in the army, and the period when the English first obtained power.

The marks which were observed in the fortifications were very numerous, and Captain Blair was greatly interested in them. He said that the fortifications should be repaired, and that a general review should be held of the military forces, or that a general enquiry should be made on his return to England, as his information was not sufficient to determine the exact nature of the damage.

right as an independent Prince to coerce a refractory vassal, for he (Sir Charles Wingfield) was careful, as he had said before, not to pronounce an opinion on this point, the Nawab contented himself with sending a letter to the Viceroy, giving his account of the affair. Moreover, it was not pretended by anyone that the Nawab was present at the occurrence. Assuming then, as did Colonel Eden and Captain Bruce, that there had been treachery and murder, still the evidence of the Nawab's guilt was founded solely on the presumption in the minds of those officers that the act could not have been committed without his sanction. Therefore, the first rules of justice required that he should be furnished with the reports made by Captain Bruce and Colonel Eden, which constituted the sole evidence against him; but it was not until one year after the Nawab had been deposed, that he was able to obtain copies of these reports. It might be said that his agent was present at the examination of the witnesses, and was allowed to cross-examine them. But Captain Bruce himself said that the evidence of the native doctor and his assistant was taken privately, and that information against the Nawab was in like manner secretly obtained from his relations and other gentlemen. Nevertheless, evidence procured in this objectionable manner was allowed to influence the minds alike of Captain Bruce, Colonel Eden, and the Governor General. This was the first time that he had ever known an Indian Prince condemned without knowing the charge that was brought against him and having an opportunity of defending himself, and he thought the case might very properly be referred to the Judicial Committee of the Privy Council, who could then advise Her Majesty to reverse or modify the decision of the Secretary of State. No doubt the British Government, in its capacity as paramount Power, was bound to take cognizance of these acts, and it was also free to entrust the inquiry to whom it pleased. But, considering the great difficulty and obscurity of the case, some competent judicial officers ought to have been associated with Colonel Eden and Captain Blair in the investigation, and forms of procedure held to be essential safeguards of justice should have been scrupulously observed in order to in-

sure for the accused a fair trial. It was monstrous that a native Prince should be placed in a worse position than the humblest British subject, when accused of a criminal offence. Last Session he was taken to task for passing a reflection upon political officers. What he said was, that they were most unfit persons to conduct such an investigation. But if he had said that diplomatists were ill-qualified to sit as Judges no aspersion would have been thereby cast upon them. It was clear from what Colonel Eden wrote on the 14th of August, that before the inquiry commenced, he was discussing the punishment. He trusted the plea would not be raised in opposition to this Motion, that it was necessary to support our authority in India; because if that argument was carried to its legitimate conclusion, there was no remedy for injustice done in India. Authority should only be supported when in the right, not when in the wrong. To support authority when in the wrong was not to uphold it, but to weaken it, by depriving it of the respect of the governed. In corroboration of that view, Sir Bartle Frere, formerly a Member of the Government of India, expressed an opinion 10 years ago, to the effect that there should be a tribunal formed in connection with the Privy Council, to which any native might, if aggrieved, have the right to appeal. Since he had had the honour of a seat in that House, he had shown no disposition to take up grievances, and this was the first case of the kind he had interfered in, though not the first in which he had been asked to interfere. He had only brought forward this Motion, therefore, because he felt deeply that if this Prince be refused what was due to every accused person, a fair hearing and opportunity of defending himself, the confidence of the Princes of India in the justice and good feeling of this country would be seriously impaired, while every native Prince would feel that he might at any time fall a victim to a cabal, or the prejudice of local functionaries, and would tremble for the security of his possessions. He would now conclude by moving the Resolution of which he had given Notice.

MR. R. N. FOWLER, in seconding the Motion, said, he preferred it to one which he made last Session, when he introduced the question before the

House, especially as his hon. Friend's acquaintance with Indian affairs and the high position he had filled in India rendered him so competent to deal with the subject. So long as an investigation was instituted, it mattered not whether it was conducted by a Committee of the House, as he proposed last year, or by the Judicial Committee of the Privy Council, which his hon. Friend now proposed, except for the fact that the eminent lawyers in the House were too much engaged in their own practice to give due attention to any labours which might be assigned to them as Members of a Select Committee. It was for this latter reason that he thought his hon. Friend's (Sir Charles Wingfield's) Motion an improvement on his own. Every hon. Member must feel considerable anxiety in regard to the affairs of India at the present time. Whenever the Indian Budget was brought in, they always found great difficulty prevailed in connection with the finances. The only remedy he could see for that state of things was to attempt a reduction of the military expenditure which was consequent upon keeping so large a force in India. If the Army there were reduced, we should hear no more of deficits, and the finances might then be placed on a satisfactory basis. This reduction, however, could hardly be looked for so long as we were not on friendly terms with the native Princes. He did not know how far the rumours were well founded as to the feelings of the Mahomedans of India; though he was glad to learn that that great man, whose untimely tragic death they all deplored, had won their confidence; but if they had any grievances to redress, it was worthy consideration whether they might not fairly appeal to the Government for an investigation into the matter. He was glad to see by a paper he held in his hand, that in a recent Kooka outbreak the army of a native Prince had stood loyally by our Government. The Nawab of Tonk was a Mahomedan; and the House would, perhaps, agree with him as to the importance of the Government doing what they could to cultivate any friendly feeling which the Princes of India might exhibit towards them. For his part, he believed that the people of that country were disposed to be faithful to the British Government; and it was, at any rate, highly

necessary, for the maintenance of that loyalty, that we should fully adhere to the terms of the Proclamation issued by Her Majesty when the present Earl of Derby was Secretary of State, since the people of India regarded that Proclamation as their *Magna Charta*. He had received a copy of a letter on this subject, written by one whose name was widely known—Dr. Russell, the War Correspondent of *The Times* during the Indian Mutiny, as on many other occasions. Dr. Russell says—

"As a Christian State we can never either civilize in our own way, evangelize in any way, or secure in their allegiance to the Queen, the people of India until we keep our compacts and our promises in regard to the Princes of India without equivocation or subterfuge, and set an example of honourable dealing and of lofty principle which may have its effect on them, and which alone is compatible with the holy mission of which we preach and speak. '*Quid prosum leges sine moribus?*' No cause can prosper unless its advocates show by their acts that they have faith in their professions, and are under the influence of their doctrines; and the dangers with which our rule in India may be threatened will be augmented just in proportion as we educate the people and enable them to detect discrepancies between the creed announced and the practice adopted by their rulers. I am satisfied that if we secure the fidelity of the Princes of India by just government and faithful adherence to treaties and agreements, we shall best promote the maintenance of our power and content the people at large."

Now, the course which had been adopted in regard to the Nawab of Tonk was calculated to alienate the Princes of India; for they could not help feeling how uncertain their position was when one of their number had been deposed without a fair trial. It was admitted that the investigation had not been conducted by a tribunal of lawyers, but by young officers of no judicial experience, who, however well-meaning, might have taken a prejudiced view. His hon. Friend's Motion put the question fairly before the House, and if the House adopted it, the impression would go forth to the people of India that the Government were ever ready to remedy the grievances of any of Her Majesty's subjects, and the House could not shut its eyes to what might be the effect on the minds of the people of India of a native Prince being condemned in such a manner. The hon. Member concluded by seconding the Motion.

Amendment proposed.

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying Her Majesty to refer the case of the Ex-Nawab of Tonk for consideration by the Judicial Committee of the Privy Council, under the provisions of the Act of the 3rd and 4th Will. 4, c. 41, s. 4, commonly called the Privy Council Act,"—(Sir Charles Wingfield,

—instead thereof.

MR. GRANT DUFF: Sir, before I come to the question whether this case should be referred to the Privy Council, there is a preliminary question that ought to be asked and answered. Does it require to be referred to any tribunal whatsoever? Has it not been settled, and re-settled, and settled yet again by the tribunal best fitted to settle it? The fallacy that vitiates the view that has been taken of the Tonk case by some hon. Gentlemen who spoke last year, as well as by the two hon. Members who have just addressed the House is this—they treat the action of the Indian Government as if it could have been judicial in the strict and technical sense. But that is not so. Its action was political, and must have been political. The ex-Nawab of Tonk was no subject of ours. He was a semi-independent Prince of the class usually and conveniently, but loosely and most misleadingly, described as feudatory. We had not in relation to him rights identical with those which, when the feudal system was in its glory, the liege lords of Western Europe claimed over their vassals. Our rights in relation to our so-called feudatories are rights partly defined by treaties, partly dependent on the necessary influence of power and civilization in contact with backward societies, and partly dependent upon the fact that our supremacy makes revolt against those personages impossible, and consequently obliges us in honour and conscience to prevent misgovernment becoming altogether intolerable. The ex-Nawab of Tonk was not, as a true feudatory would have been, subject to his lord's court, neither was he arraigned by us for a crime against our municipal law. If he had been, I am afraid that his neck would have been in very great and very deserved danger. He was proceeded against as a small semi-independent Potentate who had committed a political of-

fence against the *Pax Britannica*, who had done an act which, if only often enough repeated, would cover India with blood and confusion. He was deposed for having commenced and carried through to the bitter end a small private war against a neighbour, whose relations with him had only a year or two before been anxiously and carefully defined by the British Government. If there had been any room for a strictly judicial procedure, a judicial procedure would have taken place. But the scene of the offence was a remote native State, which knew nothing of our Courts or Judges, and where the ruler had just given a terrible proof of how little the ordinary course of justice was compatible with his sovereignty. The procedure which we did adopt was the only procedure possible—the sending to the spot the best and acutest officers whom we had in that part of India to investigate all the circumstances while they were still recent. It is complained that the ex-Nawab did not see the depositions; but, I repeat, this proceeding was not a judicial one, and there were no technical rules which it was necessary to follow. Substantial justice had, of course, to be done, and it was done. The Nawab knew perfectly well the evidence of his own carefully tutored witnesses, and as for the other witnesses he had the fullest opportunity of cross-examining them by his own vakeel, or agent, a power of which he availed himself; and he himself admitted, both verbally to Captain Bruce and through his vakeel, that he had no more evidence in his own favour to produce. The only marvel was that, under the circumstances, witnesses should have been found to dare to speak against him at all. That any were found shows how strong is the support which British influence can give to the weaker party, even in the lion's den itself. The pettiness of the Tonk State, which is just twice the size of Lanarkshire, and the small number of the persons killed, misleads hon. Members; but suppose that the offender—the raiser of private war—had been a person higher in the scale of Indian Princes, suppose that one of the greater Potentates of the Peninsula—I will name no names—had begun and carried through a private war on a somewhat larger scale, would the House of Commons have insisted that, before we marched a force against

him and punished him for so great a scandal, he should see the depositions? I have shown that the case not being a judicial one, it could not be in reason expected that all the forms proper to judicial proceedings should be followed; but will any man maintain that there was not a full examination? What do you call a full examination? This case was just seven times examined by separate authorities, and amongst those authorities were included some of the ablest men whom you ever had in India. The House will, I trust, bearing in mind the fact that Her Majesty's Government had not in the debate of last year, which came on it may be remembered at a late hour, the opportunity of saying one single word about the case, allow me to state its real facts. The deposed Nawab of Tonk was the grandson of a notorious Pindaree or brigand leader, who, like the rest of his detestable fraternity, inflicted many calamities upon India in the first and second decades of this century. We made a treaty with him in 1817, and ever since he and his family have ruled over a small principality in Rajpootana. Taking advantage of some expressions in British official reports, the advocates of this man, who have been very busy in putting his case before the English public, and one of whom has circulated amongst hon. Members of this House, an amusing, but impudent little book, called, *A Pilgrimage to the Caaba and Charing Cross*, have represented him as a highly meritorious Ruler. That statement is not correct, and to show what he really was, I will read an extract from an account of him by the Governor General's agent in Rajpootana, written in June, 1867—that is, just before the events happened which we are investigating to-night—

"The administration of the Nawab does not lack in vigour, and the energy with which His Highness visits in person at all seasons of the year the outlying districts of Tonk is praiseworthy, presenting a marked contrast with the apathetic indifference evinced generally by the Rulers of Rajpootana in all matters of personal supervision. But, at the same time, I am compelled to record that these periodical visits are dreaded rather than hailed by the subjects of the State. Judging from the experience of the past, they are regarded as precursors of a money demand in some shape or form. Shortly after His Highness's accession to the chiefship, a heavy hand was laid on all classes throughout the State, whether thakooors, ryots, or merchants. Latterly, the Nawab has been more moderate, and, to a certain

extent, public confidence has been restored. But nevertheless the trade in Tonk itself, which was formerly very large, has suffered considerably. There can be no doubt, moreover, that the chief's ultra-Mahomedan proclivities render him unpopular amongst his Hindoo subjects. The building of Hindoo temples is said to be interdicted, and even the repair of those in existence to be disconcerted. The late Nawab was most orthodox in his tenets, but a freedom of action was nevertheless accorded to those not of his faith, but living under his sway. The absence of all, except Mahomedans, whether in the army, or in the civil offices of the State, exhibits a bigotry strangely contrasting with the liberality displayed in the surrounding Rajpoot Principalities, in one and all of which persons of every creed are to be found in employment."

The ex-Nawab of Tonk had been for a long time on bad terms with his principal feudatory, the Thakoor of Lawa, in whose veins flowed the bluest blood of the Rajpoots, and who was, of course, a Hindoo, while the Nawab of Tonk was, as we have seen, a Mahomedan. They were, as might have been expected, perpetually quarrelling, and faults were committed on both sides. But in the same report which I have just quoted, the Governor General's agent in Rajpootana, Colonel Eden, thus describes the state of their relations—

"Ever since the Thakoor has, I believe, honestly endeavoured to observe his duty and obligations towards his chief; but the Nawab, on the contrary, has sought to bring about a fresh disturbance by means more plausible than truthful or creditable; and at this present time His Highness desires to confiscate half the Lawa estate, on the grounds that the Thakoor's Sunnat, granted by the Maharajah of Jeypore early in the 18th century, does not entitle him to the land he now holds."

Such was the state of affairs when, in an evil hour for himself, the ex-Nawab thought that he would cut the Gordian knot of all difficulties with his powerful vassal, by improving him or his chief counsellor and supporter off the face of creation, and hence the terrible occurrences of the 1st August, 1867. The hon. Member for Penrhyn (Mr. R. N. Fowler) told us last year his version of what happened that night—a version founded chiefly on the evidence of Hafiz Ahmed, a follower of the ex-Nawab, and the author of the book I have alluded to, who professed to have been upon the spot, but who gave his so-called evidence here in London unsworn, before no authority, and not under cross-examination; whereas, the evidence on which the late Secretary of State relied, was taken at Tonk, im-

mediately after the event, before authority, under cross-examination, and was sworn. What really occurred was this—The ex-Nawab of Tonk having invited to his capital the Thakoor of Lawa with his uncle, who was his chief adviser, for the Thakoor himself took little active part in the management of his affairs, sent a message requesting them to go on the evening of the 1st August, 1867, to discuss some business with his Prime Minister, in the house of his Prime Minister. Thither the uncle went with a party of attendants, undeterred by the rumours which were rife in the town that treachery was intended; and no sooner had they got within the walls of the house than they were surrounded by a superior force, and, with one single exception, cut to pieces. There were 15 of them killed, while on the Tonk side only one man fell. The Thakoor, luckily for him, stayed at home, and was not murdered; but his house was surrounded by armed men to prevent his escape, and a force was sent off that very night with scaling ladders to attack Lawa, the real head of which fell when the uncle of the Thakoor met his death in the house of the Tonk Prime Minister. The hon. Member wants to inquire whether the recognized principles of justice were attended to; but what does justice require in such a case but the fullest investigation possible? Had the case not that investigation? Let us see. The chain of opinion against the ex-Nawab, which I am going to cite, will show whether or not the matter was fully, fairly, carefully investigated. It extends from the subordinate political officer, who investigated the matter on the spot, eight days after the occurrence, up to two Governors General, and two Secretaries of State, with their respective Councils. It is unbroken, and it is unanimous in all really essential points. I say really essential points, to show that I am not forgetting the point about Captain Bruce, to which the hon. Member for Gravesend alluded. The first opinion that I shall cite is that of Captain Roberts—a political and diplomatic officer of merit—one of those political officers to whom, as much as to any other men, we owe our Eastern Empire. He was sent eight days after the occurrence of the 1st August, 1867, to investigate the case, and his opinion was as follows:—

"From all I have heard, I have no doubt in my own mind, that the Lawa party were treacherously inveigled and attacked. At first, I thought the Nawab was not cognizant of the affair; but I have since changed my mind."

The next opinion I shall cite is that of a very distinguished officer now, as I have mentioned, unhappily, dead—Captain Bruce, the political agent at Harrowtee, who was sent to Tonk a week or two later, and who thus expresses his opinion of the evidence, in a letter to the agent to the Governor General in Rajpootana, dated the 13th September, 1867—after giving the ex-Nawab the fullest opportunity of appearing by counsel, and of cross-examining the hostile witnesses, and of calling his son, all of which he did—

"It remains to decide which story is most likely to be true. I must frankly confess I believe Lawa; and if my credulity in this instance does injustice to Tonk, I can only urge that the nature of their defence throughout, and the manner in which it has been supported, are calculated to induce scepticism as to their veracity."

Next I come to Colonel Eden, the agent of the Governor General in Rajpootana, who in a letter to the Secretary to the Government, dated 6th of September, enclosing Capt. Bruce's report, and reviewing the case, writes as follows:—

"Taking the Tonk version of the case, either in whole or in part, we cannot but be convinced of its untruthfulness throughout."

"His Excellency in Council will not fail to observe that the Nawab's own uncle and his own brother secretly admitted to Mr. Bruce the truth of the conclusion arrived at; they only endeavoured to palliate the conduct of the Nawab and Hakeem Surur Shah, in so far that they deny that there was any intention of butchering Rewat Sing and those who accompanied him, and declare that the arrest of the party was all that was desired; that through failure, or bungling in execution, such deplorable results ensued."

"In short, it appears to me that, whilst there is no evidence whatever to support the conclusion that a massacre was not intended, there is very strong reason to believe it was; and I am of opinion that Captain Roberts, in his semi-official letter of the 9th ult., submitted to Government on the 14th ult., correctly estimated the causes and arguments which induced the perpetration of so foul an outrage."

"I feel convinced the Hakeem would never have attempted to carry out the plot without the consent and approval of his master; and we may further rest satisfied that this deed of blood would never have been transacted, unless all the actors had been assured of their Chief's tacit consent, and were promised his full support, whatever happened. The Nawab's subsequent conduct and action fully support this belief. Not the slightest regret has been expressed for what occurred; but, on the contrary,

witnesses have been suborned and false statements set forth, and Surur Shah and his myrmidons backed to the fullest extent. The Nawab's connivance in the scheme to entrap the Lawa party by treachery has been admitted by his nearest relations, and is fully borne out by the evidence; and the mind that can approve of one kind of foul play has not far to step when acceding to another."

Before I come to the opinion of Colonel Eden's superiors—to the opinion of the Governor General in Council, I wish to dispose of the allegation that Lord Lawrence merely followed the opinion of his subordinate officers. No allegation could be more improbable on the face of it: but, so far from this being the case, this Tonk case was considered with quite peculiar care, and Lord Lawrence delayed announcing his decision till he communicated with the Secretary of State, because he wished to be quite sure of his support, since, if by any chance the proceedings were overruled at home, it would have been a great blow to our influence in India.

My hon. Friend may rest assured that the deposition of the ex-Nawab of Tonk has been hailed as a just and righteous act by all honest men amongst the natives of India. They do not ask whether the ex-Nawab was deposed on the recommendation of a Judge or of a political officer. The honest men among the natives of India, who know the story, I say, do not ask whether we decided on deposing him after a judicial or a political investigation; they ask simply whether the act of the paramount Power was just and righteous, and they say that it was just and righteous. They say that the ex-Nawab only acted like his grandfather, and that his grandfather would well have deserved the same fate. Dr. John Durand, opposite, who first spoke against this case, on a whole host of grounds, did, in his defence, with a frankness that he may perhaps well lack in the ranks of the Lawa party, by the way, a frankness of a character which is not very likely to be found in Colonial lawyers, say—

"A man is not to be punished for the conduct of his grandfather, nor is a man to be blamed for the conduct of his son. The ex-Nawab of Tonk was born into a family of rebels, and he was educated in the spirit of rebellion. He was educated to believe that he was the Nawab, and that he had a right to be Nawab. The ex-Nawab was born into a family of rebels, and he was educated to believe that he was the Nawab, and that he had a right to be Nawab. The ex-Nawab was born into a family of rebels, and he was educated to believe that he was the Nawab, and that he had a right to be Nawab."

It is a fact,

easy prey to the ferocious Pathans. Forty-two chieftains were thus butchered in the very sanctuary of hospitality. Their adherents, taken by surprise, were slaughtered by the soldiery, or by cannon charged with grape as they fled."

For this exploit, which took place in 1808, the grandfather received £100,000, two large towns, and some other rewards. If 60 years after the grandson, for a humble but successful imitation of the act, has not received a similar reward, it is not the fault of the hon. Gentleman. I come next to the opinion of the Governor General and his Council, from whose despatch, dated the 23rd September, 1867, I quote the following:—

"We have read, and considered with care and anxious deliberation all the evidence in this case, and it is with pain that we have come to the conclusion that the view taken by our agent is fully substantiated; that the uncle and cousin of the Lawa chief, with their followers, were basely and treacherously murdered by Hakeem Surur Shah; and that this was done at the instigation of the Nawab himself. We are unanimous in the opinion that it was for this purpose the chief and his followers were summoned from Lawa to present themselves at Tonk. We do not credit that the chief's uncle repaired of his own motion on the night of the tragedy to Surur Shah's house; it seems certain that he was summoned. Nor do we believe that it was intended simply to seize him and his followers: on the contrary, we feel convinced that it was intended to murder them."

This is signed by Sir John Lawrence, Sir William Mansfield, Mr. Taylor, Mr. Massey, Sir Henry Durand, and Sir George Yule. Then follows the opinion of the right hon. Member for North Devon (Sir Stafford Northcote), and his Council, and from their despatch of the 15th November, 1867, I quote as follows:—

"Whether, as Col. Eden believes, the murder was contemplated from the first, or whether, as Capt. Young supposes, the original intention was to arrest the Thakor and his followers, and to seize Lawa, it is plain that a deliberate act of gross treachery which resulted in the assassination of 15 persons, has been committed, and that the Nawab must have been himself a party to it. You are unanimous of opinion that the conduct of Col. Eden is fully substantiated, and I have no reason to doubt that you have arrived at a safe conclusion."

I now come to the opinion of Lord Mayo, expressed in a despatch dated 1st March, 1868, from which I will be enough to quote the words—

"We now have to say that there is nothing in the evidence which gives a lead as in any way to the authorship of the Government of India in the murder of the Nawab."

Now, said Sir Lord Mayo, Sir Henry Yule, and Mr. Strachey as well as by

one of those who signed the former despatch—Sir Henry Durand, so there were nine independent opinions. I shall next quote the opinion of Captain Blair, the political officer, sent, at a later period, to take charge of Tonk, by Lord Lawrence. Captain Blair, writing on the 26th June, 1868, to Colonel Keatinge, the agent of the Governor General, for Rajpootana, says—

"It is notorious in Tonk, and is openly stated by everyone here, that Goolab Khan was the only individual on the part of the assailants who was killed on that occasion, instead of seven, as set forth by the ex-Nawab. This can be most conclusively proved now."

And, again—

"Residing at Tonk, I have necessarily heard many particulars of the manner and circumstances under which the treason was planned, and the massacre transacted, for the matter is generally spoken of. The very exclamations of Thakoor Rewut Singh, when being butchered, are made a matter of conversation; and it seems to me, therefore, little short of marvellous that the ex-Nawab should still attempt by hard swearing to foist on the Government a story so utterly false and incredible."

The case, as the House will see, was considered and settled, and re-considered and re-settled by the late Government. It has been re-re-considered and re-resettled by the present Government. On the 10th August, 1869, my noble Friend the present Secretary of State for India wrote to Lord Mayo—

"After a careful examination of all the evidence advanced upon both sides, I cannot discern any sufficient grounds for departing from the opinion which your Excellency's Government has expressed with respect to the guilty complicity of the Nawab in the murderous outrage which resulted in his banishment to Benares."

If there ever was a case which received anxious and careful and impartial attention, this, I think, is that case.

I trust I have shown that it does not require to be referred to any tribunal whatever; but I am sure that whether it does or does not, it cannot be referred to the tribunal to which my hon. Friend desires to refer it. My hon. Friend the Member for Gravesend's Motion is founded on a very natural, but a very complete, misconception of the meaning of a clause in the Privy Council Act. That clause simply gives power to Her Majesty to refer to a particular Committee of the Council, matters which would naturally come before the Queen in Council. It gives no power whatever to refer to the Judicial Committee anything whatsoever

which does not naturally come before the Queen in Council. I say this with the more confidence because, a short time ago, we fell into the same mistake at the India Office into which my hon. Friend has fallen, and we tried to refer to the Judicial Committee a difficult question which had arisen. The acting Lord President of the Council, however, utterly refused to have anything to do with it, and his view was sustained by legal authority which we could not gainsay. However that may be, I can hardly conceive a question less suitable than this for discussion by that august tribunal, which is accustomed to deal with matters of a totally different character, and to deal with them upon appeal from regularly constituted Courts sitting in India. Even if the clause quoted by my hon. Friend meant what he thinks it means, the Judicial Committee would be very unwilling to exercise the power with which my hon. Friend would like to see it invested. If he thinks otherwise, let him look at the case of the "Queen v. Joy Kissen Mookerjee" in *Maure's Reports*, vol. ix., and he will find admirably set forth by Dr. Lushington, the fatal results which would follow if there were a right of appeal to the Privy Council in criminal cases occurring in India. How much worse would it be if the Judicial Committee had jurisdiction conferred upon it in a case which only looks like a criminal case, but is really a political one. But I cannot believe that the House will ever arrive at the consideration of the question, whether the Judicial Committee is a proper body to investigate matters of this kind. I believe it will answer in the affirmative the previous question which I have raised—will declare, that is, that this matter requires no further investigation—that it has been sifted to the bottom. I am sure, if it does not do so, that it will strike a blow at the authority of its officers in India who are intrusted with the duty of dealing with native States such as has never been struck before. The first result of so unfortunate a decision will be to give a truly terrible stimulus to the manufacture of sham grievances on the part of a host of personages who are now fairly contented, but who, like the rest of the world, would like, unquestionably, to have more of various advantages than they have got. And the second result will be to

bring about a state of things so utterly intolerable that it could only end in passing the steam-roller of British power over every native State that is left in India. The erection of the Judicial Committee or any other legal tribunal into the position of a Judge and Lawgiver over the Princes of India may look like a Liberal measure, as taking them altogether out of the power of the Governor General; but, remember that there are things done every day in many native States, which would, if brought before any British tribunal, be condemned by that tribunal, while at present the Governor General only interferes in cases where misrule and atrocity go beyond all bounds when judged not by the British, but by the Asiatic standard; when, in short, the evil done amounts not merely to great private wrong, but to a grievous political transgression against the paramount Power. Alter that arrangement of affairs, and you inaugurate a struggle which can only end in one way—and that a way to which no one can look forward with pleasure who does not belong to the most extreme school of annexationists. By taking away from the Indian Government the power of redressing intolerable wrongs, by deposing the offending Prince, we shall simply be playing into the hands of those who say—Why have you merely substituted in Tonk one barbarian for another? Why have you not seized the territory and given it the blessings of British rule? That is not what is desired by those who will support my hon. Friend to-night, but that is what will be effected by them, if, in an evil hour for India and England, they succeed in undoing what has been done.

Mr. H. R. SAMUELSON said, he did not believe that the character of the Nawab of Tonk had anything to do with the important question which the Motion of his hon. Friend brought before the House. He felt very much inclined to give him his vote, although he had been told by the hon. Gentleman the Under-Secretary of State for India that it would be unadvisable, if not impossible, to refer the matter to the tribunals which hon. Friend wished to have re-visited. At the same time, while he was not prepared to maintain that the Judicial Committee of the Privy Council was the tribunal best fitted to

revise this question, it appeared to him that the guilt or innocence of this unfortunate Prince bore very little on the general issue, whether or not public trials should be given to persons accused of crime against the public welfare, as well in India as at home. In the case under consideration it was clear that the Nawab of Tonk had been tried, condemned, sentenced, and punished after two investigations, at neither of which had the Nawab the opportunity of defending himself, or of calling witnesses such as would be afforded in the Regulation districts of India to persons accused of much slighter offences. Moreover, he had not been previously put in possession of the charge brought against him. While he did not deny that as the law stood there was no illegality in the mode of conducting these trials, he contended that the state of the law was monstrous on the face of it, which permitted the possibility of an independent native Prince, of ancient family, and the Sovereign ruler over a large population, to be dethroned and banished from his principality without a fair trial, and without seeing the reports, which were the foundation of his heavy sentence, for twelve months after that sentence had been pronounced and carried into execution. He could conceive that such tribunals as had condemned the Nawab of Tonk might have suited their purpose, when the Government of India was carrying on a continual struggle for supremacy; but they must be considered behind the spirit of the present age. He thought that the case brought before the House proved the existence of an indisputable necessity for giving to independent native Princes a guarantee that, when charges were brought against them they would be fairly tried in an open Court on the spot, such Court to consist of men of high reputation, great legal acquirements, and long Indian experience. Nothing could be of greater importance than that there should be on the part of independent native Princes, perfect confidence in the impartiality of the Indian Government in respect of all matters relating to their interests; otherwise, it was certain that the belief of our Indian subjects and others in the honour and integrity of the English rulers would receive a shock which might produce the most serious consequences.

MR. EASTWICK said, that in this painful case they had to deal with a most difficult dilemma. On the one hand, everyone must see the extreme inconvenience of raising questions in Parliament which had been settled by the Supreme Government of India and by the Secretary of State in Council. It had been said, and to a great extent he assented to the doctrine, that India must be governed in India, and, certainly the reversal of a Viceroy's decision by this House, or by the Privy Council, must necessarily impair the authority even of his successor, and encourage constant appeals from it. It was absurd, too, to suppose that any man, however able, in this country, and after the lapse of years, could form so true an opinion of what had happened in India as the Viceroy and the officers employed by him, who examined into the matter on the spot. On the other hand, much as he thought appeals of this nature ought, as a rule, to be discouraged, he could not but feel that utterly to close the door upon the complaints of native Princes, and to deny them the right of appeal altogether, was hardly consistent with justice, or with the solemn declaration of Her Majesty to maintain their rights. Now, in this particular case it could not be denied that there were grounds for appeal, for Captain Bruce, on whose report the Nawab was deposed and his Minister imprisoned, had himself explicitly stated that he was "convinced of the futility of endeavouring to elicit the real facts by anything like judicial proof," and that "if testimony alone could establish a case the Tonk evidence might be considered complete." Colonel Eden, too, who confirmed the report of his subordinate officer, said it was "useless to arraign the Minister on a criminal charge, for we could obtain no judicial proof." There were also grave mistakes in the proceedings both of Colonel Eden and of Captain Bruce. Had this most serious and important case been investigated before the Viceroy himself—a Viceroy so profoundly acquainted with Indian affairs as Lord Lawrence—or had it been tried by a learned Judge experienced in weighing evidence, he should have shrunk from the task of criticizing the proceedings. But as it was investigated by military officers with no more judicial knowledge than he had himself when he was in the Indian political de-

partment, he did not hesitate to animadvert on the irregular and imperfect character of the whole inquiry. He said, then, that Colonel Eden and Captain Bruce both began by showing that they had prejudged the case. Colonel Eden, as soon as he heard of the affray, dismissed the agent of the Nawab of Tonk and replaced him by a representative of the Lawa people. Captain Bruce, on the 5th of August, 1867, before he had begun the inquiry, received an anonymous letter from the Lawa people giving their version of the affair, and wrote to the Nawab in a strain which assumed his guilt. What would have been said in England of a Judge who received an *ex parte* statement before a trial, adopted it, and reported it to the Government? The Nawab was never allowed to be present during the whole inquiry, and did not know till long afterwards the evidence on which he was condemned. The Under Secretary of State had, indeed, justified this on the ground that it was a political not a judicial inquiry, and that no judicial inquiry was possible in the case of a semi-independent Prince. But either the Nawab was on his trial, or he was not. If he was deposed without being tried, then these proceedings were a solemn mockery. The depositions were sent up to the Governor General in a fragmentary state, for Captain Bruce writes on the 13th of September—"Many questions are now on record, which, though asked, were inadvertently left out in the written proceedings already submitted." It was not till 20 days after Captain Bruce's report had been sent to the Governor General that that officer reported to Colonel Eden the important fact that the names of six men who were said by the Lawa people to have been killed on their side were found in the Tonk muster-roll, and that their bodies were claimed by families living in Tonk. He held that the omission to report this important point was alone sufficient to nullify all that had been done. There were many weak points in the Lawa story which had been wholly passed over by Colonel Eden and Captain Bruce. For instance, it was, to say the least, improbable that a Mahomedan should have sent for a party of armed Rajpoots into his women's apartments at night, or that if he had sent for them no suspicion would have been excited, or that they would have obeyed the sum-

mons. But it was enough that an Indian Prince with whom we had treaties, and whose father had been thanked for his good faith during the Mutiny, had been dethroned and his Minister condemned to perpetual incarceration in the entire absence of judicial proof, and after a mere informal inquiry conducted by a young military officer devoid of legal training and experience. When we first visited India such an arbitrary way of dealing with the liberties and property of the people might have been justified by stern necessity. But in these days, with India entirely subject to our rule, and when not the slightest resistance was made even to such a procedure as this, the time had come to adopt a course more in accordance with justice and the feelings of Englishmen. What, then, was to be done? He could not agree that the case should be referred to the Privy Council. Such a course would be extremely embarrassing to the Government of India, and could lead to no beneficial results. Even were it possible to establish the innocence of the Nawab and his Minister they could not be restored, for that would be to endanger all those who had in the slightest degree sided against them, to resuscitate the feud between Tonk and Lawa, and to unsettle the whole country. Nor did he agree with those who thought a permanent Court, such as that of which a long account had been just read to them, should be established for trying such cases, because this could not be done without impairing the authority of the Viceroy. He suggested that, in future, in all cases where serious charges were brought against native Princes, the inquiry should be conducted by a Judge, and that the Viceroy should associate a political officer with him as assessor. He thought that, as the charges had not been judicially proved against the Minister or against the Nawab, the Minister, who was suffering under a fatal disease, should be considered to be sufficiently punished, and should be released, while the Nawab, whom, he must repeat, it would be dangerous under the circumstances to restore to his country, should be permitted to reside in any part of India he liked, except Rajpootana, without surveillance. In that manner, we might escape retracing our steps, and at the same time act justly.

THE SOLICITOR GENERAL said, he should refrain from entering upon the general question, and would deal with the proposal to refer the question to the Judicial Committee of the Privy Council. It was true the Act of Parliament constituting the Committee empowered Her Majesty, in general terms, to refer any matter she chose to the Committee, but that general provision had to be interpreted by the special provisions preceding it. Her Majesty had a right to ask advice from all her Privy Councillors, who might be compelled in theory to give such advice; but it was well known that, although this was so in theory, in practice advice was tendered to Her Majesty only by those Privy Councillors who formed the Executive for the time being. It was certainly never intended that the Crown should apply to the Judicial Committee of the Privy Council for advice on questions of general policy, and if the Committee were asked by Her Majesty to express an opinion as to whether a certain John Jones was guilty of murder, it would answer that to do so was not within its province, because John Jones was not prosecuted before it; for the same reason the case of the ex-Nawab was beyond the jurisdiction of the Committee, for they had not tried him, and they could not give a judicial opinion on the merits of the case. Moreover, the question in this case was, whether the retainers of an Indian Prince had committed murder; precisely that kind of question the Judicial Committee could not answer, because it had no machinery, apart from a distinct prosecution in the ordinary way, for gathering evidence together for trying such an issue, examining and cross-examining witnesses after a lapse of six years, and to which the Nawab could not be a party. The question was an abstract question, involving simply the propriety of the course pursued by the Executive Government in India and in England. He thought he had said enough to satisfy the House that it was quite impossible a question of that kind should be referred to the Judicial Committee; indeed he believed that if the House should be so unwise as to adopt that course, the Committee would reject the reference. He must be excused for saying he did not intend, and it would be absurd in him to pretend—to take a part in the discussion of the general

question after the exhaustive speech of his hon. Friend the Under Secretary of State; but he hoped the House would feel that, whether having regard to the proper functions of the Judicial Committee, or to the ordinary rules on which trials were conducted, it was impossible to refer such a question as this for its consideration.

MR. WATKIN WILLIAMS said, that a good deal of what he intended to say had been anticipated by what had fallen from his hon. Friend the Solicitor General. He could not, however, entirely concur with him in thinking that the Judicial Committee had no criminal jurisdiction. There was scarcely any tribunal known in this country, or in the world, which had so universal a scope as to its jurisdiction and means of inquiry. The 7th section of the Act expressly provided that that tribunal might take the evidence of witnesses on matters referred to it, either orally or by written deposition. When this case was brought before the House last Session, he read the whole of the Papers relating to it, and he could not resist the conclusion that it was not a fit question to be referred to the Judicial Committee. The judgment which had been pronounced in this case, if it could be called judgment, was one of a political and not of a judicial character—namely, that the Nawab of Tonk was a person unfit to be intrusted with the lives of others, and the sentence was, that he should be deposed, and the salute for Tonk reduced from 13 guns to 11. There were three reasons why he could not assent to this Motion—namely, first, that the substantial merits of the case were against the Nawab, as the real facts left no reasonable doubt on the mind that the Nawab had been guilty of a cold-blooded, deliberate, and treacherous murder. Secondly, that this was an attempt, under the guise of recommending an appeal to the Privy Council, to pass a censure on the conduct of Lord Lawrence and the Executive Government of India in the management of those delicate relations existing between the Government of India and the native Princes. Thirdly, if there was any cause of complaint in the matter—as to which he expressed no opinion—it was not a fit matter for appeal to the Privy Council, but rather for making a change in the system of procedure in dealing with that class of cases.

The hon. Mover of this Motion summed up his case with the questions—whether the procedure in that case, was in accordance with the principles of justice; and, whether the Government of India in their proceedings had disregarded the first principles of justice; but he altogether declined to enter upon the question of the guilt or innocence of the Nawab. If the present case were to be referred to the Judicial Committee, there were only three matters which could be submitted for their consideration and advice—namely, first, the merits of the procedure; secondly, the conduct of the Executive Government; and, thirdly, the merits of the case—that was to say, whether the Nawab was or was not guilty of an atrocious murder. The hon. Mover had abandoned the third of those points—namely, the guilt or innocence of the Nawab. Did he then want the Judicial Committee to advise Her Majesty as to the conduct of the Executive Government, or as to the merits of the particular mode of procedure at present in use? He thought such a reference inadmissible and unconstitutional. If it had been merely a question as to guilt or innocence, that was a matter on which, if the law had so provided, there might have been such an appeal; but he thought the law had provided no such appeal. That was a political proceeding altogether, and it was never intended by the Act of 1833 to create a Court of Appeal from the Executive Government of India as to matters of State and the management of their delicate relations with native Princes; that Act extended only to judicial and *quasi-judicial* proceedings and matters *ejusdem generis*, and even if the words of the Act could properly be construed as giving a power to refer such a question as this to that tribunal, which he entirely disputed, it would be most unwise for the House to recommend that proceeding.

MR. MORRISON said, that the question was not whether the Judicial Committee was the proper tribunal to investigate a charge of murder, but rather whether the evidence before the Indian Government was sufficient to warrant the decision arrived at in this particular case. The Solicitor General had asked, how was it possible for any judicial body to go into the investigation of a case which took place so many years ago? Now, as he (Mr. Morrison) had always under-

stood, the practice on Indian appeals was to take the written evidence of both parties, and that counsel should endeavour to put that evidence fully before the Court. He thought his hon. Friend the Under Secretary for India had raised a prejudice by travelling out of the record into irrelevant matter. The question to be decided by the Government of India was, was the Prime Minister of Nawab concerned in this murder, if murder it was? and to answer that, he could not consider it relevant to that subject to inquire into what had been the conduct of the grandfather of the Nawab. It did not follow because the grandfather was hanged, that all his grandchildren should be guilty of murder. All through the speech of his hon. Friend there ran this great fallacy. He assumed that the case of the Nawab was a false one, and laid down certain statements as to what had happened. Now, the real point at issue was, whether the statements of the Nawab's witnesses were correct or not. His hon. Friend had stated that this was not a case which could be investigated by the ordinary Courts of India; that he was not exactly a tributary, and therefore was not liable to the jurisdiction of our Courts. But that was no reason why substantial justice could not be given to him; nor was it a justification of the charges in consequence of which the Prime Minister of the Nawab was sentenced to imprisonment for life. One of the main points of the matter was, whether the inquiry was *bona fide* judicial, and with regard to that, his hon. Friend had stated that no civil Judge could have been deputed to investigate the matter; but when he recollects the long series of military officers who were sent specially to make the investigation, he did not see why the Government of India in the exercise of its paramount authority as lords of the country should not have deputed some person accustomed to judicial inquiries to have accompanied Captain Bruce. He could not attach much weight to the opinions of Colonel Eden, who having only before him the report of Captain Bruce came to a different conclusion—namely, that not only had a murder been committed, but that the Nawab was an accomplice in that murder. It was on the report of Captain Bruce and Colonel Eden that the Government of India arrived at their deci-

sion. It amounted to nothing more than this—that after reading the document they came to the conclusion that they would support the decision which had been come to by their subordinate. The whole pith of the case was contained in the first letter of Captain Bruce, and it was necessary to consider how far he had made an exhaustive inquiry. It did not say much for his professional acumen in performing that task, that he did not do what an ordinary policeman in this country would have done in inquiring into a crime, for he did not examine the locality. He was glad to find that his hon. Friend admitted that the evidence about the blood stains in one of the rooms of the palace was an afterthought, and that the evidence founded upon that fabrication was unworthy of belief. In short, although much weight naturally attached to the names of those who had come to a conclusion against the Nawab, yet that was somewhat diminished, when they recollect that all these decisions were arrived at on written documents, so that persons in England able to sift evidence, were equally competent to form an opinion. He (Mr. Morrison), however, would abstain from expressing any opinion as to the guilt or innocence of the Nawab. The important point to be considered was, whether the evidence was sufficient to warrant what had been done. This was not a matter which materially affected the Nawab alone. If we wished to maintain our position as rulers of India, we must convince the native nobility and chieftains that they had more to lose than to gain by a change. Whatever might be the issue of this debate, it was a good thing that the matter should be threshed out in the House of Commons, and that the people of India should know what were the grounds on which the Government of India had acted, and he trusted that the House would agree to the Motion of the hon. Member for Gravesend.

MR. DICKINSON said, that it was not by agreeing to such a Motion as the present under discussion, that redress was to be obtained. The only ground put forward in support of it was, that when the inquiry was made shortly after the occurrence, the Nawab had no opportunity of seeing the witnesses and examining them. But it should be borne in mind that the Government had be-

fore them a statement of the case by both parties, from which it appeared there was no doubt that the murder did take place in the house of the Primo Minister of the Nawab, and that all the parties but one who went there were murdered. Before interfering with the Government of India a much stronger case ought to be made out. The objection taken was merely as to the mode in which the Governor General had made the inquiry. He thought the House ought not to be asked to pass an opinion as to the mode in which the inquiry had been conducted, so as to re-open the whole case, unless the decision appeared *prima facie* incorrect. He hoped the result of the discussion would tend to a better and more satisfactory mode of conducting such inquiries than that which now obtained, for such cases, unfortunately, were becoming not unfrequent, and were not likely to be so, as long as such a number of native Princes existed.

MR. M. CHAMBERS said, he was of opinion that Her Majesty had full power to refer this case to the Judicial Committee of the Privy Council, which was an advising Committee, appointed in 1833, to discharge certain duties in regard to the hearing of Petitions that the Sovereign was unable to fulfil in person. According to the Constitution of this country, it was the imperative duty of the Sovereign to protect the interests of her subjects, and the moment she became Empress of India she incurred such a responsibility in reference to the people of that Empire. He had no hesitation, in stating his belief that in the present case a piece of gross injustice had been perpetrated towards one of Her Majesty's subjects. A charge was made against him, whereupon the Government of India sent an agent or emissary, who got into communication with the enemies of the Nawab, and, prejudging his case and his defence, made a report against him. What would be said if a charge of malversation were made against one of our leading statesmen, and if, after a report from adverse witnesses, it was proposed to act upon it without fairly hearing the person accused? He was not a classical scholar, but it was said there was a Judge of the lower regions who decided first and heard the case afterwards. The ex-Nawab, having been condemned before a hearing, now came to the House and said—“I

have been unjustly treated, and desire my Sovereign to give me redress.” “But,” said the hon. and learned Gentleman the Solicitor General, and after him his hon. and learned Friend (Mr. Watkin Williams), who was an admirable technical lawyer—“Her Majesty has no power to refer the case to the Judicial Committee.” That was a frivolous objection—such an objection as lawyers made when they had nothing to say to the merits of the case. As to those merits this man said—“I have been infamously treated; it is in vain for me to appeal for redress in India, and I call upon Her Majesty to do her duty towards me, one of her faithful subjects.” He did not call the ex-Nawab a faithful subject without consideration, for it was well known that in the worst of times—the perilous Indian rebellion—this man remained steady to British interests, “faithful only he amongst the faithless.” To some hon. Members this language might seem nonsense; but it was not nonsense to those who wished to retain the Indian Empire in the possession of Great Britain. When the government of India was transferred from the East India Company to the Queen there was enthusiastic rejoicing in India, because the people of India believed they should obtain that justice which had been denied to them over and over again, and such a case as this was one which would prove whether the people of India had cause for that rejoicing. He hoped we should not fall into the error of the East India Company, who because they misgoverned India were deprived of the government of that Empire. He felt assured it would not be said that a person aggrieved by the Indian Government had no right to throw himself at the feet of Her Majesty and ask for redress. This country was on its trial, the Queen was on her trial, the Government was on its trial. In India they were watching us, they were waiting for justice. If we missed this opportunity, and an outbreak such as that which had before occurred were again repeated, and we should not be so fortunate as we were then, the universal world would say it was our own fault. As a lawyer, he believed with regard to the jurisdiction of the Judicial Committee of the Privy Council there was a perfect right of appeal, and he did not think there was

much force in the objection that this case was not a judicial decision, but a decision of the Indian Executive, confirmed by the Executive of this country. He would not quote the Lord Chancellor further than to say, that to hear the other side was a fixed rule in this country, and he ventured to affirm that this case had never yet been fairly and properly heard. The Nawab and his friends were not confronted with those whom he termed false witnesses, for he would assume their falsehood if they had never been cross-examined.

SIR STAFFORD NORTHCOTE said, the House had heard to-night something about grandfathers, and the reproduction of the character of the ancestor in his descendants. If he might venture so far as to make a conjecture with regard to the ancestors of the hon. and learned Gentleman who had just sat down [Mr. M. Chambers], he would say that at some very remote period among his predecessors was to be found that celebrated Judge of whom he had spoken, Iulianus Maximus, who was described as having adopted the principles of the Stoic school. He had the hon. and learned Gentleman having per-
ceived himself, and having inflicted a tremendous punishment on the House, and especially on him. Sir Staffor-
d Northcote recollects a kindly gift given them the author of that noble maxim which he had quoted at the end of his speech and later the other day. He could not at first perceive that the subject had been brought into the right sort of a connection.
The following full expression of the
idea of which the author was per-
suaded of the nature of the law, in
as he first stated it, in his speech was
followed by the following sentence, which
he added at the close of his speech,
"I am not a Stoic, but I have
been educated in the spirit of the
Stoics."

House; but it seemed extraordinary to him that a Gentleman of such distinguished Indian experience should have come to such a conclusion. If there was one thing that he placed before another, it was to show to the people of India that we were determined to do justice. It was very embarrassing to him to know how to deal with the question, because there was such an immense mass of evidence with which, especially after the speech of the hon. Gentleman the Under Secretary for India, it would be wrong to trouble the House. At the same time it would be difficult for him to say what he wished in his own justification and in that of successive Governments without referring to some extent to that evidence. He would begin, then, by putting aside those parts of the question with which he had not time deal, such as the competency of the Judicial Committee, as to which he would only say that, as a matter of convenience, this being a question not of law but of fact, he did not see how the Judicial Committee could deal with it in a satisfactory manner. Well, then, the case had taken place several years ago. The question at issue was not a question of law at all, but a question of fact. It turned upon the question whether the evidence of one set of witnesses was to be believed, many of whom were no longer to be found. The officer who conducted the judicial inquiry was dead. It would be almost impossible to do more than read the Papers already before them, and then to adduce in those Papers after reading the arguments that might be adduced. But the very gist of the case, as he fully understood it, called for a result, and that was that the evidence was to be rejected as unreliable, because that evidence had not been given in presence of the officers who were to examine witnesses. In some tribunals to which he had been sent, the evidence was badly taken, and he did not think that it would not be better to leave the position in which the examination took place, and to have it done in such a way that by: as he understood it, the question whether the evidence should continue to be relied upon under the present circumstances, was in a manner for the Government to determine and of course it was to determine upon systematic

mode of inquiry should take place in such cases. He would dwell mainly upon the question whether substantial justice had been done in this particular instance. And with regard to that, he would point out that there was in it nothing analogous to what was found in many other cases of alleged injustice to Indian Princes, in which the British Government were supposed to have been led astray by selfish interests. This was not a case in which the territories of the Nawab were confiscated for some alleged offence against British rule; but it was one in which the British Government, if misled at all, were misled as to what it was their duty to do for the general benefit of the country which was subject to Great Britain as the paramount Power in India. The hon. and learned Gentleman, among many other incorrect statements, spoke of the Nawab as a British subject. But he was not a British subject. The Nawab of Tonk was a Prince governing a territory of his own; but he did not stand entirely on the footing of an independent Sovereign—such as the Shah of Persia or the Emperor of China. The Nawab occupied a peculiar position; he was what was called a feudatory, or perhaps the better term was a mediatised, Prince; he held a position carved out for him by British power, and guaranteed to him by Great Britain. He was a stipendiary of the British Government, and received certain payments in respect of territory which was ceded, and in addition to that he was subject in certain ways to the authority of the British Government. He believed the Nawab had not the power of life and death in his own dominions, because in the case of capital sentences he was obliged to refer them for approval to the British Government. But though he was in this position he was not a British subject, because he was a Native Prince governing his own territories. It was a very grave question, therefore, how far we had a right to call him before any tribunal of our own and to try him. Our right of interference in Tonk was not a judicial one; and it was matter for argument whether we had any legal right to try this man as a culprit. We did not try him; we exercised our right as the paramount Power in India for the benefit of the country at large; and we interfered to

prevent the disturbance of the peace in this great district. Now, what was done? The Under Secretary for India had given them an account of what took place when he (Sir Stafford Northcote) was Secretary of State for India. Lord Lawrence, the Governor General, sent home a despatch, in which he gave the Home Government a distinct assurance that, having carefully examined the case, his Government were unanimously and decidedly of opinion that the Nawab was guilty of the conduct charged against him; and, further, that they were of opinion that sentence of deposition should be pronounced against him. Lord Lawrence proceeded to act upon the judgment of the Indian Government in deciding that sentence of deposition should be pronounced against the Nawab; but so anxious was Lord Lawrence to prevent any apparent collision between the Home and the Indian Governments, that he refrained from so doing till he received the opinion of the Secretary of State. He need hardly say that, under these circumstances, the examination of the Secretary of State and his Council was peculiar, anxious, and careful. They felt, indeed, that there was greater responsibility cast upon them than was usual in such cases; because, though the evidence was sent to them, still they could only judge of it from a distance. Having considered the matter most carefully, they came to the opinion—he believed unanimously—that the Government of India were right in their conclusion, and the Home Government came independently to the same conclusion. When the matter was revived by the Nawab under Lord Mayo's Government it was reconsidered by the Duke of Argyll, and the same conclusion was come to. Thus there was a considerable weight of authority in support of the view actually arrived at; and whether or not the inquiry was conducted technically in the most desirable manner, the opinions of many persons of impartiality and authority were that the decision was substantially a sound one. It was said that the inquiry was conducted without notice to the Nawab; that he was tried first; and that it was not until after the decision of the political officers that he was allowed to say anything in his own defence. If that were indeed the case, great injustice would have been committed, and those

who pronounced judgment would be worthy of the gravest censure. But that was not all that had been done, for the Nawab was communicated with from the first. He was perfectly aware of the charge made against him; he had every opportunity of making his own statement, and he did make it. Through his confidential adviser he availed himself of the opportunity of cross-examining witnesses, and produced other witnesses on his own side. He (Sir Stafford Northcote) would not go into an examination of the evidence then; but there was a line of evidence which the Nawab had furnished unconsciously against himself, for on August 2, 1867, the very day after this affair, he wrote to Colonel Eden, the Agent of the Governor General, telling him he was aware of the insubordinate and rebellious conduct of the chief of Lawa; that a further disturbance had been created; that it was advisable to acquaint Colonel Eden with the fact, in order that he might reprimand the Talookdar; that he had summoned him to Tonk; and that his uncle with 40 men had presented themselves, creating a disturbance and resorting to arms. Not a word was said in this letter about the death of anybody, and the story varied entirely from what had been written by the Nawab's Minister by the Nawab's orders, and what we knew had occurred. The Prime Minister of Tonk wrote letters to the chief of Lawa urging him to come to Tonk, not for the purpose of reprimanding him for ill-treating his people, but, on the contrary, to deal with a complaint made by the chief of Lawa against the Nawab, that land had been taken from him. The Minister informed the chief that the grant of the village would be given to him with a present, and that all differences would be adjusted. The chief replied, excusing himself. Thereupon a still more pressing letter was written, urging him to come; and the result was the occurrence which had led to the inquiry. The Nawab had, therefore, made a false statement upon the matter. Captain Roberts, the first person sent to Tonk, communicated with the Nawab. Captain Bruce also at once called on the Nawab, and told him that full inquiry must be made, or the world would believe that the Nawab was concerned in the matter; and yet the House was told

that the Nawab was not aware of the charge made against him. Captain Bruce stated that the depositions were taken in public, and it was, therefore, hard to say that the whole matter was conducted behind the back of the Nawab, some of the witnesses being actually examined in his presence. Was the Nawab to have been summoned to appear? We had no right to summon him. He (Sir Stafford Northcote) was not defending in every particular the precise form adopted in the inquiry. All he said was that substantial justice had been done; that means were afforded to everybody to tell their story; that the parties concerned availed themselves of those means; and after careful investigation the story told by the people of Lawa was believed. Was it desirable that, under such circumstances, the matter should be re-opened? This discussion, occupying, as it did, the whole of the evening, would show the people of India that there was no desire to smother the matter; but he denied that the cause of good government in India would be promoted by further inquiry. Now, a word as to the probabilities of the story. It was said that it was improbable that the Lawa chief should be summoned into the apartments of the women. Now, the fact was that the Prime Minister of Tonk, being charged with the duty of looking after the Dacoits, or robbers, had within the palace a force of some 800 or 900 armed men. If you went upon probabilities, was it probable that some 25 Lawa people should attack a Minister defended by 800 or 900 troops? The thing was absurd. The Lawa men had no firearms; some of them did not even wear swords. Again, how was it that on this very night a body of men were sent off with scaling ladders to attack the fort of Lawa, reaching Lawa before daybreak next morning? It was alleged that they were sent out in pursuit of fugitives. But they were infantry soldiers, and not, therefore, likely to overtake fugitives; they took scaling ladders with them, and would have taken four guns if the folly of doing so had not been pointed out to the Nawab. He (Sir Stafford Northcote) confessed that this point had weighed strongly with him in arriving, as he did, at the conclusion that the plot was on the side of Tonk, and not of Lawa. If that were so, and if successive Govern-

ments were right in their conclusion that a crime had been committed by the Nawab, he hoped the House would not think it desirable even to go to a division; not because he deprecated opinions adverse to the Indian Government, but because, if the House thought substantial justice had been done, it would be undesirable to agitate the native mind in India by the notion that the House was in doubt upon this subject. The position of England as the paramount Power in India, and her position towards those mediatised Princes, was a very delicate one, requiring great judgment and firmness as well as justice. We had duties to discharge, not only to the natives of those parts of India directly under our sway, but to the natives of States which were not under our sway; and it was the knowledge that we were able and willing to put down lawlessness among the native States which conducted so much to the peace and prosperity of India. By guaranteeing a Native Ruler in the possession of his dominions we engaged to support him against insurrection among his subjects, and against aggression from his neighbours; but we thereby accepted the responsibility of checking his excesses. If the offence were what it was said to be, the punishment was not too severe, and he trusted that the House—not sharing the sympathy expressed for a man whose case had certainly been put before the House with a good deal of colour—would act in the way which he believed would be for the good of India herself and the highest interests of the Empire.

Mr. W. M. TORRENS said, he took exception to the dictum of the hon. Gentleman the Under Secretary for India that the Judicial Committee would reject the appeal, for he agreed with those who held that this case ought not to be treated on technical grounds. But the question respecting the power of the Privy Council had in one important matter been misapprehended, for the case quoted by the Under Secretary was one of an attempted appeal by a convicted criminal without the consent of the Crown. The hon. Member for Gravesend (Sir Charles Wingfield), however, asked that the Queen should initiate this reference, and there was an obvious distinction between the case of two parties who agreed to arbitration, and an attempt of one to force a reference to

arbitration. The Motion was for an Address to the Crown to invoke the highest judicature not in the name of the Nawab, but in the name of the House of Commons; and it should be remembered that the Act of 1857 had imposed upon that Assembly in respect of India a greater responsibility than rested upon any legislative Assembly in the world. With respect to the statement that the case had already been fully decided, he would remind the House that the Earl of Derby, when sitting in the House of Commons, insisted on Lord Halifax reversing the decision in the case of Dhar, although it had been fortified by Governor General after Governor General, and Secretary of State after Secretary of State. As Lord Derby said, it was for the House, and not for any Administration, to decide what was just, and who should be judge, in such a case. As to the question of jurisdiction, he would ask whether such pleas as had been heard against dealing with this case would be entertained in any Court of the Realm? Either this man was their subject, and in that case he ought to have a fair trial, or he was not their subject, and then they were usurpers by virtue of their mere power. He was surprised at the right hon. Baronet (Sir Stafford Northcote) talking of this man as a mediatised Prince. His character was simply this—that, his grandfather being a very troublesome man, Lord Hastings—no mean authority—who had great experience in civil affairs both in India and elsewhere, thought it a good act to root him in the ground—to give him territory and the means of ruling it. If we were to govern India—if we were to keep our pledged word—was it the part of a Minister of the Queen to come down to the House and divert its attention from a clear question of justice to a living man by telling a story about his grandfather, and, at the same time, further attempt to vilify his character by painting him as one of the same race of fanatics as the one who had basely assassinated the noble Lord the Governor General of India? He knew not with what justice that insinuation was made. The Attorney General would not in any Court of the Realm treat the commonest felon with such injustice. As to the murder which was said to have been committed, no man in the House had the slightest

knowledge whether the account given by the right hon. Gentleman was accurate or not. But what had that to do, in common sense and justice, with this question? Although he should have wished the Motion differently worded, he should certainly vote for it if the hon. Mover went to a division. If they could not refer this matter to the Privy Council, they could refer it to a Select Committee of that House, or to a Joint Committee of both Houses. A great principle of the law of this country was, that for every wrong there was a remedy, and they were not entitled to say there was no remedy for the great alleged wrong which the Nawab had suffered. He would make this appeal to the Government—they were about to send out to India a new Viceroy, and they could not do better than instruct him that in all questions of this kind the authority of that and the other House of Parliament was the highest Court of Appeal, and that they would see that justice was done in all cases.

VISCOUNT BURY said, he wished to put this matter upon a broad and noble issue—namely, the interests of Great Britain. His experience of India was not very recent or very extensive; but he saw enough of that country to know that what the right hon. Baronet the Member for North Devon (Sir Stafford Northcote) said was true—that our tenure of power in India depended upon the substantial justice which we dealt out to the various nations under our sway in that country. Since he had had a seat in the House he had heard a great many Indian questions brought up, and when any question of justice to any official or Native Prince was brought up it had almost invariably been urged by the official Members on both sides of the House that it was a matter which involved confidence in a Governor General. The question was, not whether substantial justice had been already done, but whether any appeal lay from that measure of justice, such as it was, to the House of Commons and the Government of this country? No doubt the case had been decided according to the best information possessed by the officials at the India Office; but the Nawab appealed from them to the British nation and to the highest Court of Appeal, and it was no answer to him to say that the case could not be re-opened. The right

hon. Baronet the Member for North Devon had said he would not balance evidence against evidence; but how had he followed up that assertion? Why, by picking out of the Blue Book anything that bore on his own side of the question, and omitting anything that told the other way. In old days, before the Indian Empire was entirely given up to the Crown, there were persons with some knowledge of the affairs of India who were able to secure attention to any real and tangible grievance. But, as the hon. Member for Brighton had said, the House of Commons rather shirked these Indian questions. The only satisfactory course, therefore, was to refer the matter to a judicial tribunal, and, in order to attain that result, he should vote for the Motion of the hon. Member for Gravesend.

MR. T. HUGHES said, that if the Motion were pressed to a division, he also should be compelled to vote against the Government. In the position held by the Nawab of Tonk, as a Native Prince of India, the right hon. Baronet, the late Indian Secretary, seemed to think it was very doubtful whether we had any right to try him at all, or, at any rate, if we did try him, we were bound to do it regularly. Yet, we had confessedly tried him, not only in an irregular manner, but had administered the heaviest punishment in our power—taking away his kingdom, and putting his Prime Minister into prison for life. The hon. Gentleman the Under Secretary for India said this was a political procedure, and that the Nawab, not being a subject of the Queen, could not be subject to the jurisdiction of an English Court. He took as an illustration the case of the old feudatories, who were subject to their Lord's Courts, arguing, as he understood him, that as the Nawab was not technically subject to the jurisdiction of the Queen's Courts in India, he could not be tried at all. But the Nawab, though not a feudatory, was prepared to submit to the Lord's Court—he asked for such a trial as would be given to an Englishman, and as became an Indian Prince. The statement of the Solicitor General, that any Ministry would resign if the Queen were to ask the advice of the Privy Council upon a question which the Government were bound to determine on their own responsibility, struck him as being most ex-

traordinary. It was an attempt to turn this Motion into a Vote of Want of Confidence, which was absurd. What the ex-Nawab of Tonk had asked was, that the case might be referred to the Judicial Committee, upon the evidence on which he had been deposed, in order that they might advise whether a proper and legal judgment had been given. To justify that application, three very distinguished lawyers—one of them the most distinguished English lawyer now living, the hon. and learned Member for Richmond—had given an opinion that this was a case which might be referred to the Privy Council. What good reason existed why that course should not be adopted? The injustice of keeping a man imprisoned for life, as the Prime Minister of this unfortunate Prince was at present, though he had never been convicted, was such as would never, he believed, be sanctioned by the House.

MR. GREGORY said, he would suggest to the Government a way out of the difficulty, which their own conduct had largely created. Some years ago a question arose as to the distribution of property of one of our feudatories in India. As a Prince, he was exempted from the jurisdiction of our Courts; a Commissioner was accordingly sent down by the Government for the purpose of investigating the rights of the parties, and he made a report as to the mode in which the property ought to be distributed. That report, however, was not deemed satisfactory by the parties, and many of them remonstrated very strongly, appealing in the end to the House of Commons. The House entertained the question; and though he could not say that a decision adverse to the Government was arrived at, yet so strong was the feeling manifested that the Government, for the sake of their own character and to get rid of the clamour which had been raised, consented to refer the matter to the Privy Council. There the matter was fully argued, and the decision of the Government was, he believed, confirmed. Yet from that day remonstrance ceased, and the controversy was at an end. He believed the Government would act wisely in consenting to a similar reference in the present case. The Judicial Committee, not being a Court of Original Jurisdiction, could take no further reference. If, therefore, on the materials laid before it, it decided that the Go-

vernment were right, no harm would have been done, and, if otherwise, then it would be plainly just that the decision should be revised. The Government might with advantage consider whether in these cases this mode of reference should not be adopted.

MR. W. FOWLER said, he understood from the speech of the Under Secretary that the Native Princes of India, like the unfortunate Nawab of Tonk, had no right of appeal from the decision of the Government. It was by way of protest against that doctrine that he should vote for the Motion. We were apparently dealing with these Princes much in the same way as we dealt with them 100 years ago, though the circumstances had entirely changed, especially as regarded means of communication and education. It was desirable that the House should let these Princes know that justice should be done them, and that if the original judgment was wrong there should be a right of appeal. They had not to decide on the guilt or innocence of the Nawab; but only to pronounce an opinion that there was an appeal to this country. What form the appeal should take he would not discuss—there being high authorities on both sides as regarded the Judicial Committee—but there ought certainly to be a tribunal of some kind in these cases.

MR. BRISTOWE said, he could come to no other conclusion, from a perusal of the Papers, than that the decision of the Government was correct. It had been assumed by the hon. Gentleman who proposed the Resolution, that the authorities decided simply on the report of the political agents. The materials, however, on which that report was based accompanied the report. It was natural to suppose that this being the first case of the kind since the abolition of the East India Company's Government, it had been decided with the utmost care. For instance, how could anyone suppose that when the Nawab had been sending repeated messages asking the chief to visit him, the fate of these unfortunate persons was a mere accident? It would be a dangerous precedent to refer the decision of the Government not in a civil but in a political investigation to the Judicial Committee.

THE CHANCELLOR OF THE EXCHEQUER said, he believed the question

would be none the worse for being restated from a common-sense point of view. The fact was, that this country undertook to keep the peace throughout India; but in India there were no Legislative Assemblies, no Ministries to turn out, and no possibility of expressing popular discontent and dissatisfaction, except by means of the insurrection of the people against their Kings and de-throning them. That was what this country prevented by its armed supremacy, and although they did a great good to India, inasmuch as they kept the peace and prevented a great number of barbarous outrages, there was no doubt that they might also do much evil by perpetuating an abominable and terrible tyranny, because they prevented that force which was the only remedy of an Oriental people when they were tormented beyond what they could bear. This necessarily threw upon the Government the duty of moderating any oppression or tyranny, and seeing that it did not become intolerable. They had abandoned the policy of annexation that used to be followed, and they no longer sought to increase their dominions at the expense of the Indian chiefs. But they had not abandoned, and he trusted that they would not abandon, the duty that was cast upon them by the peculiarity of their situation of taking care that no individual oppression or cruelty should be practised, and in doing every thing if they were to do it according to the English Government were yet so much under their sway and control that they were really responsible for anything done, and he trusted that nothing of the kind would ever be done of that kind again. He was not prepared to say whether the English Government were bound to do all that they could to prevent such a thing, but he was bound to say that they were bound to do all that they could to prevent such a thing.

whom he was ill-disposed, and murdered them all. On the other side it was said, that these persons came with hostile intentions against him, and that he was so fortunate as not only to repel, but to kill all those who had intended to surprise him. This was a conflict of evidence. Hon. Gentlemen had expressed strong opinions on the subject; it was no part of his argument to express any opinion at all. He would assume, by way of argument, that any person reading the Papers would find it difficult to decide one way or the other; and the next thing to look to was authority. Well, the matter had been decided by two Governor Generals and their Councils without a dissentient voice. It had also been brought home to England and decided by two successive Secretaries of State, with the assistance of their Indian Council, also without dissent. According to the hon. Member for Finsbury (Mr. W. M. Torrens) we ought to have tried the Nawab, if he was our subject, and if he was not, to have left him alone; but though not our subject, his power depended so much upon us that we could not evade the responsibility for its exercise. It, therefore, became our duty to inquire, and if satisfied that he was unworthy of his position, to prevent his doing further mischief. As to not giving him notice, and other matters of detail, it should be remembered that the question at issue was not so much his criminality as the welfare of the people, and whether it was for their benefit that he should retain his authority. The inquiry was consequently, not judicial but political. This was an exaggerated statement of the case. It would be a monstrous proposition to say that an appeal lay to this House of Commons the Government of this country, the forces armoured in India, and it would have been a reproach to England, a dozen of years ago, the English Colonies had not entertained such a proposal. Mr. Warren Hastings; when he came here, and addressed that House, and told it to this House for any reason, he asserted firmly that it was his duty to decide this House might be bound to say that it was bound to say that the English Governor General in India should be bound to do more than this—should be bound to answer an appeal of that kind, unless it thought it had a

better chance of coming to a right conclusion than those from whom the appeal was made. Unless hon. Members thought they were in a position to judge better on this subject than the Governor General and his Council, who were on the spot, they were not justified in entertaining it, because the probability was they would not do justice. That was a conclusive answer to the suggestion that they should refer the matter to a Select Committee. What could the Members of it do? They could read over the documents and come to their own conclusions, doubtless with intelligence and perfect honesty; but, when they had done that, would their opinion, that of persons without a practical knowledge of India and of its affairs, be as valuable and weighty as that of the Governor General in Council? The strangest course proposed was that, this being not a judicial but a political matter, it should be referred to the Judicial Committee of the Privy Council. That ordinarily dealt with matters of law, though he did not mean to say nothing else could be referred to it; but it was a Court composed of men eminent in the law, and for nothing else in particular, and it was utterly unreasonable to refer to this tribunal a case of this kind. It was a pure issue of fact as to who was the aggressor, and that was to be decided on native evidence. Hon. Members talked of examining witnesses on oath; but in India they laughed at an oath. This was a question of fact as to what happened in a remote part of India; it was investigated on the spot, and an opinion formed on it by Indian officials who were impartial, who had a thorough knowledge of the habits of the people and of the condition of the country; it had been re-investigated by the highest Court in India for political matters; and was the House to say that the Judicial Committee, which had no knowledge of India, was a tribunal to which it should be referred, when there was no legal issue in it, while its consideration required a thorough knowledge of the habits of the people of India? The House would stultify itself if it adopted such a course. No doubt Her Majesty could refer the case to the Judicial Committee; but the question was whether she ought to do so, and that depended entirely on whether the Judicial Committee would on such a subject, on a question

of fact, be likely to form a better opinion, and to come to a truer conclusion than had been come to already by the two Governor Generals and many experienced and able persons who had already tried the question. Unless they were prepared to affirm that, and to say that a mere knowledge of English law implied an intuitive faculty for sifting such matters of fact, it was clear that it would be mockery to refer this case to the Judicial Committee. It had been said that the worst thing they risked by referring the question to the Judicial Committee would be that no great light might be thrown upon it; but there was a worse aspect than that. The whole force and strength of our Government in India consisted in the respect and veneration in which the head of the Government there was held. The people of India looked upon the Governor General as a sort of divinity upon earth. If that mighty Potentate was to be judged, not by principles of political expediency, but by the narrow and technical rules of a judicial tribunal, in what estimation would he be held? Everything which galled a Native Prince would be made the subject of an appeal. It would be ridiculous to attempt to govern India, not on the rules of enlightened policy and experience, but upon the narrow and technical rules of English law which the country never heard of. No graver mistake or more melancholy error could be made not only as regarded the justice of this case, but also as regarded the future of India. For these reasons, he hoped the Motion would not be carried.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 120; Noes 84: Majority 36.

PARLIAMENT—BUSINESS OF THE HOUSE—QUESTION.

MR. G. BENTINCK said, he wished to put a question to the right hon. Gentleman the Chancellor of the Exchequer with reference to the Business of the House. It would be in the recollection of hon. Members that a few days ago, when the right hon. Gentleman gave Notice of his intention to bring for-

ward Resolutions on the Business of the House, he (Mr. G. Bentinck) had moved an Amendment, on the ground that those Resolutions differed in form from the Report of the Committee last year, and sufficient time had not been given for their consideration. He concluded that his objection was considered a valid one, inasmuch as the Government did not persevere with the Resolutions then proposed. What had occurred since? They heard to-day for the first time that the right hon. Gentleman intended on Monday next to move not only the Resolutions which already appeared on the Paper, but a new set of Resolutions, which he could not characterize in Parliamentary language. When it was stated that the House had to deal with entirely new Resolutions, which would revolutionize the whole of the existing system of conducting business, and that they had only two days to consider them, he thought the objection he had first assigned, if already valid enough, was still more valid as against the new propositions of the Government, and therefore that he might appeal to them as to the course they had announced their intention to pursue. The new Resolutions to be moved were, he contended, subversive of the liberty and independence of the House of Commons, and, if adopted, would render it a mere office of record of the decisions of the Minister of the day. He begged to ask whether it was still intended to bring forward the Resolutions on Monday, without affording more ample time for their consideration? If so, he begged to give Notice that he would oppose them in every possible way.

THE CHANCELLOR OF THE EXCHEQUER said, he should have much pleasure in complying with the hon. Gentleman's (Mr. G. Bentinck's) wishes if he thought there was the least probability of getting him to think that any time would be a proper time for proposing these Resolutions. But inasmuch as that was hopeless, he (the Chancellor of the Exchequer) certainly did intend, in spite of the hon. Gentleman's dreadful denunciations, to move on Monday next the six Resolutions of which he had given Notice.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Mr. G. Bentinck

SUPPLY—*considered* in Committee.

Committee report Progress; to sit again upon Monday next.

ROYAL PARKS AND GARDENS

BILL—[BILL 17.]

(*Mr. Ayrton, Mr. Baxter.*)

COMMITTEE. [Progress 22nd February.]

Bill considered in Committee.

(In the Committee.)

Clause 5 (Park-keeper may apprehend any offender whose name and residence is not known).

MR. VERNON HARCOURT begged to move that the clause be for the present postponed. He hoped both sides of the House would consider that was not an unreasonable application. Those who opposed the Bill had the gravest objections to the clause. The powers which it gave were most unusual, if not unprecedented, and the only precedent quoted and relied upon to justify them by the First Commissioner of Works was that of Wimbledon Common; but that was not enough to alter the whole course of criminal legislation in the country. The case of Wimbledon Common had no application in the present instance, for as respected Wimbledon that was a private bargain between Lord Spencer and the people in the neighbourhood of Wimbledon; whereas the Parks of England were the prescriptive property of the people of England. No such powers of arbitrary arrest had ever been sanctioned before, and Parliament ought therefore to proceed in this matter with great caution and deliberation. The powers asked for in this clause were even more extreme in their language than the severest clauses of any Police Act, for they were going to pass these extreme powers without stating to what offences they were to be applicable. If the clause were passed—

THE CHAIRMAN said, that the hon. and learned Gentleman must confine himself to the reasons why the clause should be postponed, as that was the proposal he had made.

MR. VERNON HARCOURT said, that his argument for postponing the clause was, that the schedule should be applied to it; and, in fact, that it should ultimately become part of the clause itself.

THE CHAIRMAN: I must again remind the hon. and learned Gentleman that he must confine himself to the postponement of the clause; and also that if it be postponed, it will still be taken before the schedules.

MR. VERNON HARCOURT said, he was quite aware of that, and what he was suggesting was, that there should be no schedule at all, but that if this clause was postponed, the schedule should be brought up in the shape of an addition to the clause itself. For that reason, he proposed that the clause should be postponed, in order that the offences applicable to it should be ultimately made part of it. That was the course that was pursued in the Metropolitan Police Act in regard to a similar clause, and the reasons in its favour were very strong. The House would then be considering the offences in relation to the cases of punishment, instead of, as now, irrespective of it.

THE CHAIRMAN said, he must again remind the hon. and learned Gentleman that his arguments must be strictly confined to showing why the clause should be postponed.

MR. VERNON HARCOURT said, that his reason for moving the postponement of the clause was in order that it might be considered in connection with what was contained in a subsequent part of the Bill. He made the proposition in the hope that it might be met in the spirit of friendly compromise, for that was the spirit in which he offered the suggestion, and he believed that its acceptance would mitigate the opposition to the Bill. The House ought not to pass a clause giving such extreme powers without at the same time taking into consideration the different offences to which the penalties were to attach. Unless they pursued that course, they must either adopt a Draconian code, and apply it to all the offences indiscriminately, or allow some offences to be visited with inadequate punishment. He did not think that his was an unreasonable proposition, and he made it with the sincere desire to see this matter satisfactorily settled. The powers of arrest proposed in this clause were really a very serious thing, though he would not further refer to them after the ruling of the Chairman.

MR. AYRTON said, that he would merely remind the Committee that on

the second reading of the Bill his hon. and learned Friend had objected to its being read at that time, because he desired time in order to propose Amendments. Since then he had been informed that his hon. and learned Friend, in conjunction with the hon. Member for Warrington (Mr. Rylands), had examined the Bill, and had decided upon the Amendments which they thought proper to be introduced. That being so, and the Government acting on the faith of that understanding, his hon. and learned Friend now asked for the postponement of the clause, in order that it might be amended. Was that a frank or loyal course to be pursued by the hon. and learned Gentleman? It was not one that the Government could agree to or sanction. He must ask the Committee to proceed with the consideration of the clause, and in no case was the Amendment of his hon. and learned Friend one that he could give his assent to.

MR. RYLANDS said, that the right hon. Gentleman the First Commissioner of Works appeared to suppose that there had been some arrangement between himself and his hon. and learned Friend on that subject. He might mention that his hon. and learned Friend had proposed an Amendment last evening, to reduce the penalties from £5 to 40s., on the ground that the offence was of a trifling character; but that Amendment was rejected, and therefore it was not unreasonable that the present proposal of his hon. and learned Friend should be made. He desired, however, to acknowledge with thanks the concession that the Government had made with respect to another Amendment that would come on for discussion hereafter.

MR. GLADSTONE remarked that nothing whatever would be gained by the postponement of the clause, into which fresh matter could be incorporated now as easily as at any later stage.

Motion negative.

MR. DICKINSON moved, in line 26, after the words "park-keeper," to insert the words "in uniform."

Amendment agreed to.

MR. RYLANDS moved, in line 26, to leave out, "and any persons whom he

may call to his assistance." The clause must be looked at in two aspects—namely, the person to carry out the powers conferred, and the nature of the powers themselves. The park-keepers were appointed by an irresponsible officer of the Crown, who was not under the control of Parliament; and the difficulty was aggravated by the fact that there were so many offences undefined. By calling in extraneous assistance disturbances might be fomented, which they all wished to avoid.

MR. ASSHETON CROSS suggested that the Chief Commissioner of Works should, in answering this objection, state exactly the powers of the police, and in what respect those powers differed from the powers of the park-keepers, and why they differed.

MR. AYRTON said, that was exactly the point he intended remarking upon. His hon. Friend the Member for Warrington (Mr. Rylands), counselled by his hon. and learned Friend the Member for Oxford (Mr. Vernon Harcourt), had fallen into the error of supposing these park-keepers were to be appointed by irresponsible persons. In a majority of cases the keepers would be appointed by the Chief Commissioner of Works, who would be directly responsible to this House; and, as regarded those mentioned in the schedule, they would be appointed by the Ranger, who held office during the pleasure of the Crown, and was as responsible to the Crown, and equally liable to removal for misconduct as the Chief Commissioner of Works. [Laughter.] That was the law and the fact, neither of which could be altered by derision. The General Police Act conferred the power of arrest, and after the Amendment he proposed to introduce the clause of the Bill would be found the same as that of the Police Act, which had been in operation for over 30 years; and its provisions for the government of the Metropolis had been administered without any substantial injustice or even inconvenience.

MR. VERNON HARCOURT said, he should have preferred that the question of law asked by the hon. Member for South-west Lancashire (Mr. Cross) had been answered by the Law Officer of the Crown, who would probably have given a more accurate description of the point. He had taken some pains to explain the law to the Chief Commissioner of Works

Mr. Rylands

already; but he had again to go over the ground, and in the first place he would remind the right hon. Gentleman that the clause he had quoted had nothing whatever to do with the matter. The 52nd clause gave power to the police to make regulations for the purpose of preventing any obstructions that might be caused by processions; and the 54th clause provided that every person should be liable to a penalty not exceeding 40s., who within the metropolitan thoroughfares committed any one of a list of offences; but the 9th sub-section of that clause required that the offender should have been first made acquainted with the regulations, and also that he should have wilfully disregarded them before he could be taken into custody by the police without warrant. Both of the limitations contained in that sub-section of the 54th clause of the Metropolitan Police Act were carefully omitted from the present Bill. The 54th clause of the Metropolitan Police Act was the real analogue to this Bill, and the object of the proposed Amendment was to assimilate the present clause with the provisions of that Act.

MR. AYRTON said, he was not fairly open to the imputation that he was unable to answer the question put to him without the assistance of the Attorney General. The clause quoted by the hon. and learned Member for Oxford actually gave a still larger power to the police than the one he had himself read to the Committee; because it gave a constable general power to arrest without warrant for an offence committed within his view, without any reference whatever to the name and address of the offender. The clause that he now proposed was based on a much more restricted clause of the Metropolitan Police Act, because it limited the power of arrest to the case of a person offending, and whose name and address were unknown to the constable and could not be ascertained by him.

MR. WALTER rose to ask a question of the Chief Commissioner of Works on a very material point. Would the right hon. Gentleman be good enough to say whether the persons whom a park-keeper called to his assistance would be bound to obey his call?

MR. AYRTON said, that they would not, any more than when they were called upon by a police-constable.

COLONEL HOGG confirmed what had fallen from the Chief Commissioner of Works as to occurrences in the Parks from his practical experience in connection with London Parks not included in the Bill. False addresses had been given; while with reference to cases of assault and resistance, he thought the park-keepers should have the power to call for assistance from the by-standers.

MR. W. H. SMITH said, he had always been under the impression that a police-constable had a right to call on persons to assist him, and he should like to know from the Home Secretary whether that was so or not.

MR. AYRTON said, there was the right to call, but what he had stated was that the persons called were not bound to come.

MR. VERNON HAROURT observed, that it had been said that all that was to be done by the Bill was what was applicable to all the Parks in the kingdom. The powers now sought for, however, were such as applied to no Park in the kingdom, and he wanted to know why a rule should be made with respect to the metropolitan Parks which was not known elsewhere.

MR. HENLEY said, he did not think it would make any difference whether the words "or any person whom he may call to his assistance" were in or out of the clause; for in a subsequent clause they gave to park-keepers all the power and authority of constables, which included the calling in of people to help them.

Amendment negatived.

MR. GOLDSMID observed, that the Government had kept the House sitting until very late hours last Session, and as he did not wish them to continue the practice, it being then a quarter past 12 o'clock, he should move that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Goldsmid.)

MR. AYRTON hoped that hon. Members opposing the Bill would accept the decision of the Committee as final with regard to the principle of the clause, and would agree to it before Progress was reported.

MR. RYLANDS desired that Progress should be reported, and suggested that

the Government should reconsider the Bill, and reintroduce it in a shape more likely to meet with general approbation. It had been stated that the measure had received the sanction of the metropolitan Members; but on looking at the Division List he found that while 10 of the metropolitan Members had voted with the minority, only 3, including the right hon. Gentleman the Chief Commissioner of Works himself, and another member of the Government, had voted with the majority. In fact, the only metropolitan Member not connected with the Government who supported the Bill was the respected ex-Governor of the Bank of England.

MR. JOHN MANNERS thought that the request of the right hon. Gentleman the First Commissioner of Works, that the decision of the Committee upon the Amendment just rejected should be regarded as final upon the main principle of the clause, was a reasonable one, and ought to be agreed to. If the hon. Member for Warrington (Mr. Rylands) thought he had any chance of rejecting the clause, he should have challenged the decision of the Chairman; but it was hard upon hon. Members who had waited all night for this Bill to come on, that Amendment after Amendment should be moved only to be withdrawn, and that Progress should be reported at that early hour, and at such a stage of the measure.

MR. VERNON HAROURT said, the wishes of the noble Lord the Member for North Leicestershire (Lord John Manners) respecting divisions could be met in future; but he wished to point out that it was twenty minutes past 12 o'clock, and to ask whether, after that time, hon. Members opposite would allow a Bill which they opposed to proceed? Would they allow the question of giving burial to a Christian Dissenter to be discussed after 12 o'clock without moving to report Progress? But the treatment of a live "rough" seemed to stand on a different footing from the treatment of a dead Dissenter, for the former could be debated apparently until any hour of the night.

MR. AYRTON said, that the Committee had sat upstairs day after day upon the Bill without the feelings excitement arising that appeared to have been evidently raised in the minds of some hon. Members in ref-

within the last few days. He merely desired that the business of the Committee should be conducted in the usual way, and that when the subject had been fully discussed, the Committee should not report Progress before availing itself of the fruit of the discussion by passing a practical Resolution. They did wish to make a distinction between the living and the dead, and to proceed after the manner of the living on the present occasion.

Mr. COLLINS said, he must remind hon. Members that it had been proposed that no new opposed business should be taken after half-past 12 o'clock; but thought that as that hour had not yet been reached, the question with reference to this clause might well be decided before Progress was reported.

Question put.

The Committee divided:—Ayes 24; Noes 140: Majority 116.

MR. RYLANDS then moved, in page 2, line 1, to leave out "acts in contravention of," and insert "wilfully disregards or refuse to conform to." The object of the Amendment was to prevent a park-keeper from summarily arresting a person for the infringement of a regulation of the very existence of which he might be unaware.

MR. VERNON HARCOURT said, the clause, which gave summary powers of arrest for undefined offences to the park-keepers, had no precedent in the English statute book except it was the most severe enactment known to the English law—namely, sub-Section 9 of Section 54 of the Metropolitan Police Act. ["Divide!"] Surely hon. Gentlemen would give five minutes to the discussion in the British House of Commons of a clause giving summary powers of arrest to the park-keepers. If the clause were passed as it stood, most of the persons arrested under it would probably be taken into custody on Saturday afternoon after the police courts were closed, and the result would be that they would be locked up until Monday morning. This was a most serious grievance in this country. He earnestly appealed to the right hon. Gentleman at the head of the Government to accept the Amendment.

MR. BRUCE said, that under the Metropolitan Police Act persons might be arrested for committing certain off-

without it being necessary to bring home to the offenders a knowledge of the regulations; but in regard to regulations made for special occasions, it was necessary to show that persons had knowingly infringed them. In order to attain that end, the rules and regulations necessary would be posted up in the Parks in all conspicuous places.

Amendment negatived.

MR. VERNON HARCOURT said, he must protest against this clause, because it gave extravagant, and he would say brutal powers to the park-keepers—because it made a preserve for the rich of the Royal Parks, and created a new criminal code for the country. ["Divide!"] The Bill would not be made more popular by its being known that those who protested against it were clamoured down.

MR. HENLEY said, he wished to know what was to be done with a person who was taken into custody under the provisions of the Act? Unless there were a constable in readiness to receive him at the Park gates, how was it possible that he should be detained?

MR. AYRTON said, the point was provided for by a subsequent part of the Act, which gave to those making the arrest all the powers conferred for such purposes under the Metropolitan Police Act.

MR. STRAIGHT pointed out that there was force in the objection of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), and that there should be some understanding as to the time during which persons should be kept in custody for the different offences in the schedules, which should be divided into two, one of which should be offences justifying arrest.

MR. AYRTON said, by Clause 7 the park-keepers would be endowed with the same powers as police constables.

MR. OTWAY said, he adopted the same view as the hon. and learned Member for Chester (Mr. Straight) of the propriety of dividing the schedule into two—one defining the offences for which the offender could be arrested, and the other the offence which would entail expulsion from the Parks.

MR. PLIMSOLL feared that if the clause passed, the enjoyment of the Parks by respectable working men would be interfered with.

Mr. Ayrton

MR. NEVILLE-GRENVILLE said, that that was entirely a mistake. The Bill would really affect, not the working classes, but those bettermost classes who ought to be gentlemen, but were snobs. They would suffer from the operation of the Bill; the working classes would only be benefited by it.

Clause, as amended, agreed to.

House resumed.

Committee report Progress; to sit again upon *Monday next.*

RAILWAY COMPANIES AMALGAMATION.

Ordered, That a Message be sent to The Lords to acquaint their Lordships, that this House hath appointed a Committee, which is to consist of Six Members, to join with a Committee of The Lords to inquire into the subject of the Amalgamation of Railway Companies, with special reference to the Bills for that purpose now before Parliament, and to consider whether any and what Regulations should be imposed by Parliament in the event of such Amalgamations being sanctioned; and to request that their Lordships will be pleased to appoint an equal number of Lords to be joined with the Members of this House.

BUILDING SOCIETIES BILL.

On Motion of Mr. GOURLEY, Bill to consolidate and amend the Laws regulating Building Societies, *ordered* to be brought in by Mr. GOURLY, Sir ROUNDELL PALMER, Mr. TORRENS, Mr. WILLIAM HENRY SMITH, and Mr. DODDS.

Bill presented, and read the first time. [Bill 68.]

House adjourned at a quarter after One o'clock till Monday next.

HOUSE OF LORDS,

Monday, 26th February, 1872.

MINUTES.] — SELECT COMMITTEE — Railway Companies Amalgamation, appointed and nominated.

PUBLIC BILL — First Reading — Irish Church Act Amendment^{*} (27).

RAILWAY COMPANIES AMALGAMATION. JOINT COMMITTEE.

Message of the House of Commons of Friday last on the subject of Railway Companies Amalgamation considered (according to Order).

EARL COWPER said, that in the discussion which arose on a former evening, it seemed to be the opinion of most of their Lordships that the great question

of amalgamation involved in some Bills now before Parliament should be inquired into by a Committee carrying more weight than would an ordinary Private Bill Committee. The general feeling seemed to be also that Parliament should lay down some fixed principle upon which Committees should deal with Bills of this description; as, for instance, whether it was more for the advantage of the public that the imperfect system of competition should be continued as it now existed, or whether a system of amalgamation should be permitted under certain safeguards. A Joint Committee of both Houses of Parliament would have much greater authority on such a subject than any Committee of either House separately. If their Lordships should agree to the Resolution, the Committee to be appointed would be constituted of noble Lords whose opinions would carry great weight. He felt it would be out of place in anyone speaking on behalf of the Government to express any opinion on the question of amalgamation, and, therefore, after the few observations he had made, he would confine himself to moving the Resolution.

Moved, That a Select Committee be appointed to join with the Select Committee appointed by the House of Commons, as mentioned in the said message, to inquire into the subject of the Amalgamation of Railway Companies, with special reference to the Bills for that purpose now before Parliament; and to consider whether any and what regulations should be imposed by Parliament in the event of such Amalgamations being sanctioned.—(*The Earl Cowper.*)

LORD HOUGHTON said, the Lancashire and Yorkshire Railway Company, for which he was interested, was ready to lay its whole case before the Joint Committee. At the same time, he thought it was the feeling of the railway world that there were between the Lancashire and Yorkshire Railway Company and the London and North-Western Company such special and peculiar interests—their interests were so bound together and interlaced—that their Bill might have been decided by the ordinary process, without an inquiry into the principle of amalgamation generally. The circumstances under which those two Companies came to Parliament for an amalgamation Bill were so exceptional, that an approval by Parliament of the Bill ought not necessarily to be tak

a sanction of the principle of amalgamation. It was the desire of the Lancashire and Yorkshire Company that those who objected to its amalgamation with the London and North-Western should be fully heard. The parties who proposed amalgamation were to a certain extent incriminated, and, therefore, they were anxious to hear what was to be said against them, in order that they might meet all objections.

LOD REDESDALE asked, whether the Joint Committee were to go into the particular Bills, taking in detail the objections that might be brought forward by their opponents, or whether the inquiry was to be confined simply to the question of amalgamation, reference being had to the particular Bills?

EARL COWPER replied, that it was not intended the Joint Committee should go into the details of the particular Bills as a Private Bill Committee would do: indeed, the second reading of the Bills had been suspended until the Committee should have reported upon the general question.

THE EARL OF AIRLIE thought the Order of Reference should make it clear whether the Committee was to take evidence only on the particular amalgamations now before Parliament, or go into the whole question. It appeared to him that persons who might not have a right to be heard on those particular Bills might have a right to be heard on the whole question; and it behoved the House to be very jealous of the interests of the public in this matter, as distinct from the shareholders.

EARL BEAUCHAMP thought that the Companies asking for amalgamation and extended powers should be required to make out their case before calling for the objections of their opponents.

EARL COWPER thought it desirable that the Committee should take evidence on the general subject. A certain amount of discretion must be left in the hands of the Committee, who would have to decide for themselves how far they would carry their inquiries and where they would draw the line.

LOD WHARNCLIFFE wished to know whether, if the Committee approved of the particular scheme of amalgamation before them, that would be taken as a precedent for sanctioning other amalgamations which had been spoken of in the railway world for some time

past, but were not now before Parliament.

LOD HOUGHTON said, he did not know that there were any other amalgamation Bills before Parliament; but if there were, the decision in this case would not become a precedent for other cases.

THE MARQUESS OF CLANRICARDE said, the noble Lord (Lord Houghton) was wrong in thinking that the proposed inquiry was one about to be undertaken for the benefit of any particular railways. It was one intended for the benefit of the public. The present system of railway combination had been severely felt in Ireland. He did not blame the two great Companies which, owing to an arrangement known as "the award," had the railway accommodation in that country practically in their hands; but the result had been great inconvenience to the Irish public, who could not obtain branches which were much needed. The interests of Ireland were, therefore, involved in the inquiry by the Joint Committee, and he thought it a grave omission that there should be no Peer among those proposed to serve on it with any special knowledge of Ireland or Irish railways; and the only Irishman on the House of Commons' portion of the Committee was Mr. Chichester Fortescue, who, however, represented the Board of Trade and the Government rather than the public.

THE DUKE OF RICHMOND said, he was aware that as the House of Commons had already agreed to the Order of Reference there would be a difficulty in altering it now; but he thought it would have been better if the words "with special reference to the Bills for that purpose now before Parliament" had been left out. The previous portion of the Order would have covered all railways, while the words to which he had just referred conveyed a sort of intimation that the Committee was to confine itself to the particular Bills now before Parliament.

EARL GRANVILLE agreed with the noble Duke that there would be a difficulty in changing the Order of Reference now, though, no doubt, a change might be made if it were thought desirable. This was no precedent, however, for appointing a Joint Committee whose inquiry had no special reference to a Bill or Bills before Parliament.

Lord Houghton

EARL GREY took it that what the Joint Committee had to do was to consider the general question, whether amalgamations of this sort were or were not beneficial to the public, and if the Committee decided the question in the affirmative, then to lay down rules and regulations under which they should be sanctioned. That having been done, it would be for the promoters of particular Bills to show that they were within the principle laid down by that Committee. But he feared that a Committee acting on such an Order of Reference as that before their Lordships was not likely to bring about a real and satisfactory settlement of a question of great difficulty and great importance. The question of railway amalgamation deeply affected the future interests of this country. He was not unsavourable to amalgamation. No man who knew anything of the present want of co-operation among railway companies, but must be aware of the great sacrifice of money and of public convenience which resulted from the existing system. On the other hand, it would be a serious thing if those amalgamations were allowed without stringent conditions for the protection of the public interests:—otherwise very powerful bodies were created, and with immense powers of monopoly, which might be exercised to the detriment of the public. He regretted that Her Majesty's Ministers had not taken the subject into careful consideration during the Recess, so as to have been prepared to submit to Parliament some well-devised plan, which would have done justice to the public, and at the same time enabled the Railway Companies to obtain the advantages of amalgamation. This would have been a much better course than throwing upon a Committee of the two Houses the duty of devising a plan to which he feared they would prove unequal.

Motion agreed to.

Then it was moved, That such Select Committee should consist of six Lords, three to be a quorum; agreed to: The Lords following were named of the Committee:

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| Ld. President. | E. Cowper. |
| M. Salisbury. | L. Redesdale. |
| E. Derby. | L. Belper. |

Ordered, That the said Select Committee have power to agree with the Select Committee appointed by the Commons in the appointment of a chairman: Then a message was ordered to be

sent to the House of Commons, in answer to their message of Friday last, to inform them of the appointment of the said Select Committee by this House, and to propose to the House of Commons that the joint Committee do meet in Room E. on Friday next, at Three o'clock.

THANKSGIVING IN THE METROPOLITAN CATHEDRAL.

Moved, "That the House do adjourn over to-morrow, that being the day appointed for the Thanksgiving Service in St. Paul's Cathedral."—(Earl Granville.)

Motion agreed to.

IRISH CHURCH ACT AMENDMENT BILL [H.L.]

A Bill to amend the Irish Church Act, 1869, so far as respects a vacancy in the office of Commissioner of Church Temporalities in Ireland—Was presented by The Earl of Dufferin; read 1st. (No. 27.)

House adjourned at a quarter before Six o'clock, to Thursday next, a quarter before Five o'clock.

HOUSE OF COMMONS.

Monday, 26th February, 1872.

MINUTES.]—SELECT COMMITTEE—Public Accounts, nominated; Railway Companies Amalgamation, nominated; Turnpike Acts Continuance, appointed.

LENTEN AMUSEMENTS.—QUESTION.

MR. MELLY asked the Secretary of State for the Home Department, If his attention has been drawn to the conflicting regulations which controlled the public amusements on the first day of Lent, and whether he is aware (1) that the Theatres of the Metropolis, holding the Lord Chamberlain's licence, were prohibited from giving dramatic performances on Ash Wednesday; (2) that the Music Halls in the county of Middlesex were virtually prohibited from opening by the terms of their licences as granted by the Middlesex magistrates; (3) that the performances usually given in these Music Halls took place at the Drury Lane, Adelphi, Gaiety, Alfred, and Standard Theatres; (4) that the Music Halls in the county of Surrey were open in accordance with the terms of their licences, as granted by the Surrey magistrates, and were exceptionally crowded on that evening; (5) that

the Licensed Victuallers' houses where music and singing takes place, the admittance being free, were also open; what grounds there are for the distinctions thus drawn by the different licensing authorities; and, whether he has under his consideration and will be prepared to bring in a measure in the present Session to remove a prohibition thus unequally applied by various authorities to the persons who provide amusements for the people?

MR. BRUCE said, in reply to the first Question of the hon. Member, that all theatres within the jurisdiction of the Lord Chamberlain were prohibited from giving dramatic performances on Ash Wednesday; and, in reply to the second Question, that the hon. Member was rightly informed that the music halls in the county of Middlesex were prohibited from opening by the terms of the licences granted by the Middlesex magistrates; but some of those places of amusement were, nevertheless, kept open on that day. In reply to the third Question, he had to state that some of the theatres named were kept open on Ash Wednesday, but for musical performances only. In reply to the fourth Question, there was nothing in the terms of the licences granted to the music halls in the county of Surrey to prevent their being kept open on the day in question, and some were open; but he had been informed that they were not exceptionally crowded on the last occasion. In reply to the fifth Question, he had to say that licensed victuallers were not exempted from the obligation of taking out a licence for music and dancing. He could give no reasons for the distinction drawn between the practice of the authorities in Middlesex and those in Surrey; but it was a proof of the inconvenience that resulted from having a different system in force on the two sides of the river. He thought it probable that in the course of the present Session, when a measure would be brought in with reference to licensing, hon. Members would have an opportunity of expressing their opinions upon the matter.

RETIRING ALLOWANCES TO THE RURAL POLICE.—QUESTION.

MR. C. S. READ asked the Secretary of State for the Home Department,

Mr. Molly

When he will introduce the long-promised measure for regulating retiring allowances to police constables in counties and boroughs?

MR. BRUCE said, he would have been very glad to give a definite answer to the Question of the hon. Member; but the engagements of the Home Office were so heavy that it was impossible to give any definite assurance upon the subject. The subject was a fit one for legislation.

IRELAND—APPRENTICE BOYS OF DERRY.—QUESTION.

MR. W. JOHNSTON, who had on the Paper a Notice to ask the Chief Secretary for Ireland, Whether, when the sworn informations and other documents on which the Proclamation was issued by Government relative to the Procession of the Apprentice Boys of Derry on the 12th August, 1871, ordered on the 18th August last, are laid upon the Table, he will have any objection to add the Proclamation itself, and also the Correspondence between the Government and Captain Keogh, R.M., and any other magistrate in Derry, respecting the celebration of the 18th December, 1870? said, that in the absence of the noble Lord the Chief Secretary for Ireland he would postpone his Question; but he gave notice of his intention to repeat it daily until he obtained an answer from the noble Lord.

At a later period of the evening the Question was repeated, when

THE MARQUESS OF HARTINGTON said, there would be no objection to add to the Papers already ordered to be produced a copy of the Proclamation relating to the procession of the Apprentice Boys of Derry in Derry on the 12th of August last; but, as to any correspondence between the Government and magistrates of Derry, he had to state that that correspondence was of an extremely confidential character, and he should not be able to lay it on the Table.

IRELAND—CUSTOMS CLERKS AT DUBLIN.—QUESTION.

MR. PIM asked the Secretary to the Treasury, When the new classification for the Customs' Clerks at Dublin will be issued, taking into consideration the fact that the Port of Dublin was in-

spected by Commissioners appointed for that purpose in September last; and, whether the new scale of salaries will be made retrospective, as in the case of the London Customs Clerks; and, if so, whether the arrears of pay accruing since the 1st of April 1869, will be paid immediately, according to the precedent established in the case of the warehousing department in London, where the classifications have not yet been arranged?

MR. BAXTER: Sir, although the Commissioners visited Dublin last autumn, the Board of Customs has not yet reported to the Treasury the result of their inquiry, because the scheme for the out-door department at the port of London has not been finally and officially approved. As soon as that approval has been signified, which I expect will be in the course of a very few days, the case of the out-ports will be considered. In these circumstances, of course, no decision has yet been arrived at regarding the points raised in the second part of my hon. Friend's Question.

OWNERS OF LAND.—QUESTION.

MR. PIM asked the Secretary of State for the Home Department, If he will lay before this House the nominal list of landowners which it is stated to be the intention of the Government to furnish; and, if it will extend to the counties of Ireland and Scotland as well as those of England?

MR. BRUCE, in reply, said, it was intended to obtain such lists by means of the clerks of Unions in England, and that the Lord Advocate was considering how a similar Return might be obtained with regard to Scotland. It was also under consideration how a similar Return might be obtained with regard to Ireland. When the Returns were completed they would be laid upon the Table of the House.

THE INTERNATIONAL SOCIETY. QUESTION.

MR. BAILLIE COCHRANE asked the First Lord of the Treasury, Whether he will lay upon the Table any Communications which have passed between Her Majesty's Government and Foreign Governments, or any Correspondence with Her Majesty's Representatives

Abroad on the subject of the International Society?

MR. GLADSTONE: I presume, Sir, that the Question of the hon. Member refers mainly to communications containing information respecting the International Society, and with regard to those communications I have no information to give the hon. Member, because they have been furnished to the Government in a confidential manner, and, therefore, it is not within their discretion to lay them before the House. The communications we have received on the subject are in reference to matters in which foreign Governments are principally interested, and, therefore, it is with those foreign Governments to determine the conditions upon which those communications shall be made public. There has been, however, one occasion on which a suggestion came from a foreign Government as to legislation upon the subject of the International Society, and unless Her Majesty's Government are placed under restraint they will have no objection to produce that Paper.

MR. BAILLIE COCHRANE said, he must remind the right hon. Gentleman that he had asked particularly as to communications that had been received, not so much from foreign Governments, as from Her Majesty's representatives abroad.

MR. GLADSTONE: There have been communications from Her Majesty's representatives abroad; but the information contained in them having been obtained from foreign authorities, must be regarded as being of a confidential nature.

COOLIES IN BRITISH GUIANA. QUESTION.

MR. GILPIN asked the Under Secretary of State for the Colonies, Whether any and what steps have been taken by the Government to carry out the recommendations of the Commission upon the treatment of Coolies in British Guiana; whether the Government has arranged that the Immigration Agent General shall become a member of the Court of Policy; and, whether any steps have been taken by the Governor, at the instance of the Colonial Office, to amend the Laws affecting the treatment of the Coolies in British Guiana?

Mr. STAPLETON.—QUESTION. Is it my duty as Sir George Young, one of the Commissioners in Ireland, to recommend to General Headquarters to disband the 1st Battalion of the Immigrant Army? Now if General Headquarters in accordance with the recommendations of the Commissioners, The Battalion is disbanded, it is evident very shortly and will be followed by disbandment in the County. That Battalion is to receive the Immigrant Army between itself and Larne & Larne is a frontier town. But will it fully harmonise with the other battalions in accordance with the above advice?

ARMY—PRIVATE—QUESTION.

Mr. STAPLETON asked the President of the Board of Trade if Captain Tyre had made any report to the Board of Trade of the results of the interviews he had had with the several Railway Masters in Ireland in reference to present state of the Irish Railways; and if so, if it was his opinion to lay these papers over the Table?

Mr. HICHESTER FORTESCUE replied that no Report had yet been received by the Board of Trade with regard to the present state of Irish railways. Captain Tyre had had conversations with the officers with certain gentlemen connected with these Railways and had made known to the Government the information which he had derived from them; but there had been no Report.

ARMY—BRIGADES IN IRELAND.

QUESTION.

Mr. STAPLETON asked the Secretary of State for War, How and in what proportion English recruits are to be obtained for the brigades located in Ireland?

Mr. CARDWELL replied that the proportion of recruits would, of course, entirely depend on the exigencies of the service on the one hand, and the number of recruits forthcoming from Ireland or England on the other. The mode of fusion was explained in a Report circulated that morning.

ARMY—GENERAL OFFICERS AND HONORARY COLONELS.—QUESTION.

Mr. TREVELYAN asked the Secretary of State for War, Whether

proposed to fix an appointment of General Officers in Ireland contingent upon the actual requirements of the British Service, and whether it is the intention to make any appointments in future to the temporary Commissions of Regiments?

Mr. GLADSTONE: Sir, this year is remarkable for the fact that the British Army was very liberal in its compensation to the general officers who will be affected by this measure. Those will have command in regiments, and have been made major-generals, have forfeited their permanent rank in the expectation of being compensated for damages when vacancies occurred. It would therefore be a wise proceeding to think on the present moment of ceasing to appoint to vacancies. The establishment of general officers was fixed with great care and consideration after the Reports of two Royal Commissions. It is also very much mixed up with the still incomplete fusion of the Indian with the British establishment. The time therefore has not arrived when it would be expedient to re-consider the question.

EX-GOVERNOR EYRE.—QUESTION.

Mr. W. JOHNSTON asked the First Lord of the Treasury, Whether, in consideration of the long and valuable public services of Mr. Edward John Eyre, Ex-Governor of Jamaica, it is the intention of Government to confer on him an adequate pension, or give him a suitable appointment under the Crown?

Mr. GLADSTONE: Sir, I am not quite sure of the meaning of the hon. Gentleman's Question as to a pension, but I presume it does not refer to any kind of pension which Mr. Eyre might acquire under the ordinary Colonial Pensions Act because Mr. Eyre's time of service or age has not raised that matter at the present time. I presume his meaning to be whether it is the intention of Her Majesty's Government to propose the conferring a special pension or suitable appointment on Mr. Eyre. As regards a suitable appointment, the hon. Gentleman will find in the Papers relative to Mr. Eyre, that that Question has been already answered by my noble Friend the Secretary of State in a letter dated the 26th of July, 1870. He there

* * * though he had heard with the legal proceedings

against Mr. Eyre had terminated, he regretted that he could not recommend to the Crown that he should be employed in the public service. With respect to conferring a pension, it is not the intention of the Government to make such a proposal.

ZANZIBAR—APPOINTMENT OF DR. KIRK AS CONSUL—QUESTION.

MR. KENNAWAY asked the Under Secretary of State for Foreign Affairs, Whether the unanimous recommendation of the East African Slave Trade Committee of last Session, that Dr. Kirk should be appointed Consul at Zanzibar, has been or is about to be carried into effect?

VISCOUNT ENFIELD said, in reply, that it had been the custom of the Foreign Office to appoint as Consul at Zanzibar the gentleman selected by the Indian authorities as Resident Agent there. Dr. Kirk was at present acting as Vice-Consul, in the absence of the Consul on leave, and he had no information of the Consul's resignation.

NATIONAL THANKSGIVING IN THE METROPOLITAN CATHEDRAL.

QUESTION.

LORD ELCHO asked the Chairman of the Metropolitan Board of Works, What is the number and the total estimated cost of the seats to be erected in various places for the accommodation of the Members of the Metropolitan Board, and of the vestrymen of the Metropolis, on the occasion of the National Thanksgiving in the Metropolitan Cathedral; out of what rate the cost of these seats is to be defrayed, and under what heading in the financial balance-sheet of the Metropolitan Board of Works which is annually presented to Parliament will this expenditure appear; and, whether under the heading of "General Precepts," which amounted last year to £99,394 19s. 6d., or under that of "Dangerous Structures Act," which amounted to £32 7s. He wished also to put to his hon. and gallant Friend two further Questions, of which he had given him private notice—Whether he is aware that an advertisement has appeared offering one of those seats for three guineas; and whether he was correctly reported in Saturday's papers as having stated, at a meeting of the Metropolitan Board

of Works, that the Lord Chamberlain had given a ticket for the interior of St. Paul's Cathedral to each Member of the Board and any lady accompanying him?

MR. OSBORNE begged leave to put a supplementary Question—namely, Whether the cost of refreshments was to be included in the rate?

COLONEL HOGG said, he would do his best to answer this avalanche of Questions. He had first to inform the noble Lord that the number of seats provided by the Metropolitan Board of Works for vestrymen was about 7,500, and that the total cost, as far as it could be estimated, would be about £3,400. The expense would be defrayed out of the Metropolitan Consolidated Rate, and would be placed under whatever head the Board should determine at the end of the financial year. With regard to the noble Lord's pleasantries as to the "Dangerous Structures Act," the noble Lord, as a man of taste, if he would be good enough to go and look at the erections, would probably see that they were fairly entitled to a better category than that. The advertisement referred to had been brought under his notice. He thought it a most improper one, and had he any means of detecting or punishing its author he should be glad to do so. He had been quite correctly reported as having stated that the Lord Chamberlain had been kind enough to offer accommodation in St. Paul's Cathedral to the members of the Board, the number of such tickets being 104. As to the Question of the hon. Gentleman opposite, he believed that at one spot there was to be a booth for refreshments, and that any persons who liked to refresh themselves could do so, at their own expense.

IMPORTATION OF FOREIGN CATTLE.

QUESTION.

MR. NORWOOD asked the Vice President of the Council, Whether he has any objection to lay upon the Table of the House Copy of all the Orders now in force that regulate the importation of Foreign Cattle into Great Britain, specifying the difference existing in respect to London and outports?

MR. W. E. FORSTER, in reply, said, he had no objection to produce a copy of all existing Orders regulating the

importation of foreign cattle into the country. These would show that since the opening of Deptford Market the position of London had been almost precisely the same as the outports.

INDIA—FAILURE OF THE BOMBAY BANK.—QUESTION.

MR. FAWCETT asked the Under Secretary of State for India, Whether he will have any objection to lay upon the Table the Second Report of the Commissioners appointed to inquire into the Failure of the Bombay Bank?

MR. GRANT DUFF : Sir, the Second Report of the Commissioners appointed to inquire into the failure of the Bombay Bank contains opinions given to the Secretary of State in the strictest confidence about the future policy of Government with respect to the Presidency Banks—opinions by which Government may or may not be guided. These opinions have been treated as strictly private, even in the India Office, and it would be quite contrary to practice, as well as inconvenient to the public service, if I were to lay them on the Table, at least at present.

**ROYAL PARKS AND GARDENS BILL.
QUESTION.**

MR. VERNON HARcourt wished to ask a Question relative to the Royal Parks and Gardens Bill. There appeared in that morning's newspapers a letter purporting to be addressed by Mr. Gordon to a Mr. Hartwell relative to the future progress of that Bill. It was as follows :—

" 10, Downing Street, Whitehall,
Feb. 24, 1872.

" Sir,—Mr. Gladstone desires me to state that your last letter on the subject of the Parks Regulation Bill only reached him on the morning of the 22nd instant, when the state of public business would not allow of the postponement of that measure until after the reception of the deputation, as suggested in your letter. It is now intended that the Bill, when it has passed through Committee, shall be re-printed, in order that there may be an opportunity of considering it, with such Amendments incorporated as will be proposed by the Government, and may probably be adopted by the House of Commons. Should it be found necessary, after reprinting, Mr. Gladstone will receive the deputation on whose behalf you have written; but, judging from your letter, he thinks it likely that little objection will be felt to the Bill.—I have the honour to remain your obedient servant,

W. B. GORDON.

Mr. R. Hartwell."

Mr. W. E. Forster

Now, the first Question he had to ask the right hon. Gentleman was, was that letter authentic? And the next was, whether the House of Commons would have notice of the Amendments which it was said the Government intended to propose, and whether the further consideration of the Bill would be adjourned until notice of such Amendments had been given by the Government?

MR. GLADSTONE : The letter in question, Sir, is perfectly genuine, though it is not expressed with quite so much accuracy as it should have been. It ought to have said, "such Amendments as have already been proposed and assented to by the Government." There is no intention on the part of the Government to postpone the Bill, neither have they any Amendments of their own to propose. Amendments which are now on the Paper will raise the points that require readjustment, and the House has already had full notice of the intentions of the Government with regard to some of them.

**PARLIAMENT—BREACH OF PRIVILEGE.
OBSERVATIONS. QUESTION.**

MR. G. BENTINCK : Sir, I rise for the purpose of calling your attention to a question connected with the Privileges of this House. An article appeared a short time ago in a London daily journal, of wide circulation, reflecting in terms so strong, and preferring such serious charges against the mode of conducting the Business of this House, and also reflecting upon the conduct of several distinguished Members of this House, that I have felt it my duty to call your attention to the subject, for the purpose of ascertaining whether, in your opinion, the publication of the article to which I refer involves a question of the Privileges of this House? But before I read that article, I ought, in deference to yourself and to the House, to state two facts. The article in question was placed in my hands on the first day of the Session; but, as it involved serious charges against your predecessor in that Chair, I felt, and I hope the House will feel with me, that to have brought forward charges which I have no doubt will be at once disproved, but still charges which would have affected the character of that right hon. Gentleman at a time when he was about to leave that Chair,

under circumstances which we all most deeply regretted, would have been a proceeding most painful to the House, and equally painful to myself personally. I therefore thought it best to defer any allusion to the subject, Sir, till you were placed in that Chair, when—you being in no way implicated in the matter—an unbiased judgment could be given on the subject. The article to which I wish to call attention includes a good deal of personal matter, couched in not very courteous language. It is not my wish to bring all the details of it before the House; and, unless compelled to do so, I shall avoid that course. ["Read, read!"] I wish you then to understand that I am reading everything that I wish to refer to, omitting those parts which convey personal attacks upon hon. and right hon. Gentlemen. The article to which I beg to call your attention was published in a London daily journal, called *The Morning Advertiser*, of the 5th February. That article involves a grave charge against the conduct of certain persons in this House, and the proceedings of certain hon. and right hon. Gentlemen. The article proceeds thus—

"Probably few of our readers have ever heard of 'the Speaker's list.' It is, indeed, a comparatively new invention, which we owe to the People's William, the champion of all our liberties, and to his stanch bhenchman, Mr. Glyn. We were at first incredulous, but have been credibly informed, that before any great measure comes on for discussion, a list is prepared by Mr. Glyn, in which he inserts the names of such Gentlemen as desire to speak on the side of the Opposition, for which he applies to the Conservative Whip, and the names of such Gentlemen as are to speak from the Speaker's right hand, for which he applies to the People's William. This list is given to the Speaker, with strict injunctions that no Member is to speak whose name is not upon it. And if any Member whose name is not upon it rises, he only rises to be told, by the Speaker, that another Member—that is, the one next in order on the list—has the ear of the House. When the list is run out, it might, perhaps, be thought that there would be a chance for an independent voice. Not a bit of it. No sooner is the list closed than Mr. Gladstone rises to his legs and insists upon a division. His dutiful majority rushes to the lobby, and all is over. Nor is this all. We have every reason to believe that Mr. Gladstone, who is nothing if not vindictive, uses this list as a rod by which to coerce obedience. A steady supporter of the Government, who votes dutifully upon every occasion at Mr. Glyn's behest, has only to signify his wish to speak, and he is put upon the list at once. But let a Liberal Member be at all recalcitrant—let him stray into the wrong lobby—let him make any unpleasant remarks, and, unless he be a man of extraordinary note, his request to be allowed to

speak will be met with a blank denial. In point of fact—under the pretext of economizing time, and securing a better order of debate—Messrs. Gladstone, Glyn, and Denison have taken it upon themselves to deliberately gag the representatives of the people. Great fishes, of course, break through the net. Rules were not made for such sons of Anak as Mr. Osborne or Professor Fawcett. But the throng of ordinary voters are held firmly in its trammels. They know the price at which they may open their mouths—a steady Government vote and liberty of speech, an adverse vote and the gag. We hope it is true that Mr. Brand will be asked whether it is his intention to allow so monstrous and impudent an innovation as a Speaker's list drawn up by the Ministerial Whip. We for our part can conceive no greater mockery than a House of Representatives in which freedom of speech is practically not allowed."

That is the article, Sir, to which I wish to call your attention; and I now ask—and it rests with you to say—whether the grave charges contained in it do or do not involve a breach of the Privileges of this House?

MR. SPEAKER: The hon. Member for West Norfolk (Mr. G. Bentinck) claims the attention of the House to a matter which, in his opinion, is a question of Privilege. It appears to me, however, that the matter in no way affects the Privileges of the House; but, as it raises a point of Order, I should be glad to satisfy the hon. Member, and other hon. Members equally with him, with regard to it. According to the rules and usages of this House, the hon. Member who first catches the Speaker's eye is entitled to be heard. For my own part, I have never seen a so-called "Speaker's list." I shall endeavour on all occasions to call upon hon. Members to speak according to their respective claims, in a spirit, and with a desire of fairness and impartiality, and with the view of eliciting the several opinions which prevail in the House on the subject before it.

MR. GLADSTONE: Perhaps, Sir, I may be allowed to say, without entering into discussion, on the part of my hon. Friend near me (Mr. Glyn) and myself, that neither of us is cognizant in the least degree of a practice in which we are supposed to take the deepest interest.

THANKSGIVING IN THE METROPOLITAN CATHEDRAL.—ARRANGEMENTS FOR CONVEYANCE OF MEMBERS. OBSERVATIONS.

MR. AYRTON said, he wished to call the attention of the House to a change

in the arrangements which it was well that hon. Members should be made acquainted with as soon as possible. As far as the Report of the Committee who were appointed to inquire into the new arrangements members were to be provided so as to enable hon. Members to have the same close to the House as at present. It remains yet to consider what action we are to take at the end of the sessional examination of the new arrangements. I hope the Committee will be able to give us some information on that point.

LEGAL JUDICATURE COMMISSION. QUESTION.

Mr. WEST inquired. When the second Report of the Judicature Commission would be presented to Parliament?

Mr. BRUCE said, he was informed that it would be presented in the course of the present Session.

PARLIAMENT—BREACH OF PRIVILEGE. QUESTION.

Major-General and General proposed, That the House adjourn to adjourn to Wednesday — *Yeas* 136 — *Nos* 10.

Mr. J. BENTINICK. I take this opportunity of expressing my thanks to the hon. Member for giving me the opportunity of addressing you on this subject. I believe I have had the privilege of addressing the right hon. Gentleman on this question with considerable interest. I will state why I did so. The right hon. Gentleman has been instrumental in bringing up the subject of the privilege of the House. I do not know whether he has been instrumental in bringing up the subject of the privilege of the House, but I do know that he has been instrumental in bringing up the subject of the privilege of the House.

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MR. GLYN: Sir, though I have been a Member of this House for nearly 15 years, I now address it for the first time, and, therefore, I have to throw myself on its kind indulgence. I can say most certainly and clearly that the statements in the newspaper article are not correct. No list has ever been drawn up by me under the sanction, or even with the knowledge, of my right hon. Friend (Mr. Gladstone). All that has happened is this—I had been often asked by my noble Friend who previously filled that Chair whether I knew who were likely to want to make speeches on certain subjects. I informed him, and he told me that the list, by which he was by no means bound, had often helped him in the course of the debate, as he thus knew the probable line which hon. Members might take. But I deny that there has been any attempt on my part, or, if I may say so, on the part of my hon. Friend opposite (Mr. Noel), to try "to gag" hon. Members of this House. What I have done was done entirely at the request of the late Speaker, and I am not ashamed of it. However, I am heartily glad that the practice will not go on, for it has often placed me in a very unpleasant position with my own Friends; for having heard that I had mentioned their names to the Speaker, they fully expected to be called upon, and not being so, they naturally felt disappointed; but I need not say that it was impossible on all occasions to carry out their wishes. I am very sorry that I have had to make, in a very imperfect manner, this statement; but it is rather hard to be charged now with attempting "to gag" this House simply on the authority of a newspaper article published on the 5th of the month, when the hon. Member for West Norfolk (Mr. G. Bentinck) might, at the commencement of the Session, when the late Speaker was in his place, have brought forward this charge.

MR. NOEL: Sir, as my name has been mentioned in this matter, I must state what I have done on the occasions alluded to by the hon. Member for West Norfolk (Mr. G. Bentinck). When an important debate has been going on, I confess I have been most anxious, in order to facilitate the conduct of Public Business, to ascertain the names of hon. Gentlemen who wished to speak. This also I will say—I have given a list to the Speaker; but on no occasion have I

ever advocated the claims of any particular Gentleman to priority of speech, nor have I ever tried to stifle debate by preventing independent Members from taking part in the discussion.

MR. GLADSTONE: Sir, before the Motion is put I wish to say one word in defence of my noble Friend (Lord Ossington), who is not here to defend himself, and in doing so I must say I think that if the hon. Gentleman opposite (Mr. G. Bentinck) wished to make any personal attack upon my noble Friend, he should have made it when he was here, so as to give him an opportunity of answering the charge. We have heard the statements of two hon. Gentlemen eminently concerned in the charge; and I think the entire House will be of opinion that the assistance they have given to the late Speaker, in the discharge of his very difficult duties, was assistance which it was kind, courteous, and in every way becoming and right for them to give, and that the late Speaker had no connection whatever with the suppression of the right or power of speaking on the part of any hon. Member of this House. I will now pay this compliment to the Opposition. I do not know what remark is made by them upon the distribution of speeches on this side of the House, but we on this side do not observe that the most independent Members of Opposition, and those who have the least connection with the front bench opposite, are the most stinted either in their power or practice of addressing the House. With regard, however, to my noble Friend (Lord Ossington), if any matter of interest arose on which it was deemed material and becoming by any hon. Member of this House to examine into a charge made against my noble Friend, I must repeat I think that hon. Member would have exercised a sounder judgment if he had proposed such a charge for examination when my noble Friend (Lord Ossington) was present, than by bringing it forward on the present occasion. After having heard what has passed, it appears to me that what my noble Friend has done has been with no other desire than that of enabling him in the course of debate to discharge what is rather a difficult duty, and to make what may seem an invidious selection, in the manner most satisfactory to the House.

MR. DISRAELI: Sir, I am bound to say that the late Speaker, who often did me the honour of consulting me as to the conduct of debates of importance, often stated to me that his plan was, if possible, to give every section of the House an opportunity of expressing its views on the particular question under debate, but that it was impossible to obtain that desirable object unless some understanding was come to between those who represented the two larger parties in the House, and I never interfered with the conduct of the debate except in unison with the Speaker's views. I always thought it highly desirable that the various sections of the House should be represented in all debates of importance, and, so far from ever attempting to restrain the freedom of debate, I can only say, with regard to my own side of the House, that my conduct has been exactly the reverse. My object has been, ever since I have taken any lead in the conduct of affairs in this House, to develop as much as I could the rhetorical powers of the Conservative party, and any young Member who appeared extremely anxious to give to the House a specimen of such power, has always found in me a ready friend. Irrespective of that consideration, moreover, I think it wise, so far as possible, to give hon. Members below the gangway, often labouring under some smouldering emotions, every opportunity of relieving themselves by expressing their opinions; for I have always found that we have afterwards got on with better temper than sometimes occurs when hon. Members lose the opportunity of saying what they so much desire to state in their places in Parliament.

said, it was one relating to the admission of strangers, and providing that strangers should only be excluded by vote of the House. Though this Resolution was agreed to by the Select Committee, it was only carried by the casting vote of the Chairman, and opposed to it was the authority of hon. Gentlemen entitled to much respect. In his opinion, however, the reasons in favour of the Resolution were overwhelming. The rule of the House was that strangers ought not to be admitted to the debates at all; the practice was to admit them in every possible manner. No hon. Member was innocent of their admission. Hon. Members gave orders for the admission of strangers, asked for orders to admit them to the Speaker's Gallery, and under the gallery, and also to admit ladies. The Standing Orders, moreover, provided for the removal of strangers from that part of the House appropriated to the use of hon. Members, thus by inference pointing to their admission elsewhere. A part of the building had also been set apart, deliberately and avowedly, for the purpose of a Reporters' Gallery. Therefore, the rule had come to this—everybody broke it whenever he pleased, and everybody could enforce it who pleased. Now, if the rule was a right one, it should be enforced on every occasion; if it were a wrong rule it ought to be altered. Was the right thus placed at the disposal of every hon. Member of small value? On the contrary, it was one of the greatest value. As the House of Commons grew in age and experience, it grew in influence, and through the Reporters' Gallery it now spoke to the whole kingdom, and even to the whole world. Thus hon. Members were able to impart information, to remove misapprehension, and to exercise influence with a facility and a power never dreamt of until recent times. The right, therefore, of excluding strangers, ought, in his judgment, no longer to be left to the caprice of one person. It might be of the greatest possible importance to the House and the country that the debates should be published; but one man might prevent their publication, and the House had no remedy. Should the House thus abdicate its authority, and leave itself at the mercy of any hon. Member? He did not say that this right should be abolished altogether; on the contrary, he

PARLIAMENT—BUSINESS OF THE
HOUSE.—RESOLUTION.

THE CHANCELLOR OF THE EXCHE-
QUER, in rising to move the first of the
Resolutions of which he had given
Notice—

"That Strangers shall not be directed to withdraw during any Debate, except upon a Question put and agreed to, without Amendment or Debate."

thought it one of their most valuable rights; but he, and with him the Select Committee, thought that one hon. Member should not be allowed the power, and they also thought that the simplest remedy would be the best—namely, to give to the House at large the power of saying whether it should or should not exclude strangers. Agreeing with the Select Committee that the decision of the majority of the House, which was good on all other questions, was good upon this, he begged to move the Resolution of which he had given Notice.

Motion made, and Question proposed,

"That Strangers shall not be directed to withdraw during any Debate, except upon a Question put and agreed to, without Amendment or Debate."—(Mr. Chancellor of the Exchequer.)

MU. G. BENTINCK, in moving as an Amendment to the Resolution—

"That the Resolutions differ in their terms from the Report of the Committee of last year on the Business of the House, and are, therefore, new to the House, and that further time ought to be given for their consideration."

said, there was some force in the Resolution that had been proposed by the Government; but he thought it was more convenient that the House should retain its present power. He wished chiefly to call the attention of the House to the mode in which the Government had dealt with the question. Ample opportunity had been given for the consideration of the three first Resolutions, but 48 hours' Notice only had been given of those which referred to the Day Sittings, and that was not sufficient time for them to consider changes so important as were involved in them.

SIR HENRY SELWIN-LBBETSON seconded the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Resolutions differ in their terms from the Report of the Committee of last year on the Business of the House, and are, therefore, new to the House, and that further time ought to be given for their consideration,"—(Mr. Bentinck.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. NEWDEGATE said, occasions might arise when some hon. Members might desire to communicate to the House something which would be highly

detrimental to the public interests if it should go forth to the country. He remembered an instance in which Mr. Jervis, afterwards Chief Justice Jervis, availed himself of the ancient privilege with which it was now sought to do away. It had been found that in the Act empowering the Ecclesiastical Commissioners to do certain things, there had been an omission through which, when they redistributed the ecclesiastical districts of England, due authority was no longer conferred on marriages, the entries of the baptisms, and the like, the consequences being that the children of persons who had been married within a district which had been taken from any diocese and added to another were all liable to have their properties and inheritance disputed owing to a misrepresentation of the law. Now, if it had gone forth to the public that there was so decided an opportunity of instituting such practices as it had been seen were lately practised in the Courts of Common Law, there might have been endless disputes with respect to property, and many persons might have been placed in the view of ruin, and, as Mr. Jervis observed, of endless confusion. If the House were to adopt the Resolution of the right hon. Gentleman the Chancellor of the Exchequer, it must divide on a question that had not been debated, which if such as he had described, it might be detrimental to the public interest to divulge until the House had come to a decision with respect to it. But if in the event of any such circumstance arising, the House would have to vote in the dark, they must vote on the exclusion of strangers, on the credit of some person standing up in his place and declaring the state of the case to be that which he had just mentioned. The opinion, he might add, which he now expressed was so strongly felt in the Committee, that the substance of the proposed Resolution was carried only by the casting vote of the Chairman. The Committee, therefore, considered the proposal as being of a doubtful character, and if any hon. Member thought it right to divide the House he should, as he had done in the Committee, vote against it.

MR. BOUVERIE said, the power of excluding strangers, on the Motion of a private Member, was one which had hardly ever been abused, and he thought

distress and danger when it would be right for the House, without hesitation or a moment's delay, to exert the power of debating with closed doors. What was the objection urged to that course? Why, the hon. Member who last spoke said that the House had recognized the presence of strangers, and that, therefore it was an anomaly that they should be excluded at the desire of any individual Member. He granted that that was an anomaly, but if they were to change everything that might be deemed an anomaly there would be a good many other questions raised. What, then, was to be done with regard to the reports in the newspapers? Was not the only control they held over such reports an anomaly? What course did an hon. Member adopt when he found his speech had been misreported? His only course was to complain that he had been reported at all, because by the rules of the House it was a breach of the privileges of the House to report the debates. This question had arisen in consequence of a debate on a delicate subject the year before last, when it was thought desirable by some that the discussion should not be reported. Others, however, thought it should; but it was questionable whether, in consequence of a comparatively trifling inconvenience having arisen on an extraordinary occasion—which it was hoped would not often occur—the rules of the House should be altered. If they did so, it might happen in the future that an occasion of public danger would require the doors of the House to be closed to secure private discussion, and then they would find that they had lost the use of a very valuable weapon of defence. However confident they might be of their security from foreign invasion, that confidence might be shaken in the future, and the occasion might arise when closed doors would be necessary for the well-being of the country. He therefore thought it would be wiser to allow the Orders of the House in this respect to remain as they had for centuries.

Mr. HENLEY said, the Amendment placed the House in a difficult position, because it seemed to upset, not only this, but all the Motions of the right hon. Gentleman the Chancellor of the Exchequer. He remembered the Committee which sat as a consequence of Mr.

Mr. Dodeon

O'Connell's complaint; he sat upon it. Mr. O'Connell's complaint was, that he was not reported at all, and all the cases brought before that Committee were of a totally distinct class from that which had now arisen. But of all the arguments brought against the proposal to leave the matter to the vote of the House, none was more extraordinary than that of the hon. Member for North Warwickshire (Mr. Newdegate), who was willing to leave the House subject to the *dictum* of one hon. Member, but would not allow it to be ruled by the voice of the majority. Let the House consider for a moment the cause of this question being raised. The House was engaged in considering a matter which had been legislated upon—not a new subject, but one upon which the public mind had been so much agitated that Petitions signed by 400,000 or 500,000 people had been laid on the Table of the House. The burden of these Petitions was, that the legislation of which they complained had been smuggled through the House, nobody knowing anything about it, late in the morning, and yet under these circumstances the discretionary power of clearing the House was exercised. Where so many persons had petitioned on a subject of great interest to the public, he maintained that they had a perfect right to know what were the opinions of their Representatives, and that it was vain to attempt to stifle the voice of the public, or to prevent them from knowing what took place in the House. None felt more strongly than he the necessity of adhering to our old forms. Twenty years ago the question was raised, and he came to the conclusion that no case had arisen for altering the rules of the House; but now a stronger and much more serious case had arisen, and he had changed his opinion. If the rule were maintained he was perfectly sure the House would be cleared from time to time upon occasions when it would be the desire of all to wish the proceedings reported, simply because the House had been cleared upon another occasion, and simply in order to expose the absurdity of the rule. The proposal of the Government was very wise, and would prevent the House being cleared night after night to bring the question to an issue.

Sir GEORGE GREY said, the hon. Gentleman the Chairman of Ways and

Means had anticipated much that he had intended saying; he should, therefore, be brief in his remarks upon the subject. He had voted against the proposal in the Committee of last year, and had adhered to the view taken by the Committee of 1849, that no sufficient case had been made out to make it desirable to revise the rule in question. No one felt more than he the importance of full publicity being given to the debates; but occasions might arise when even to secure freedom of debate it might be necessary to exclude strangers, and he did not think sufficient reason had been shown for parting with the privilege of closing the doors. He could not imagine in this case any rule better calculated to interrupt the Business of the House than the one proposed, for if adopted, the result would be that the House would be called upon to decide the question immediately without debate, and to give a decision which would not be final, for there was nothing to prevent another hon. Member rising after the lapse of five minutes, and dividing the House again upon the same point, and so continuing the whole of the evening. For his own part, he should have been content to leave this matter as it now stood, trusting to the good sense of the House that the power which now existed would not be abused. He had no intention of inquiring now whether the course pursued by the hon. Member for Ayr (Mr. Craufurd) in 1869 was wise or not, but at present that or any other hon. Gentleman who used the power given him did so under a heavy responsibility—a responsibility in which the House had no share. He ran the risk of incurring a great deal of unpopularity; and, if in his discretion he made an unwise use of his power, he would be certain to incur the censure of both the House and the country. Hitherto these checks had generally proved sufficient, nor did he believe they were likely to fail in the future. If, however, there was to be an alteration, he very much preferred that proposed by his right hon. Friend near him; and if they proceeded to a division, he should support the Motion that the words proposed by the Chancellor of the Exchequer should stand part of the Question, with a view to ultimately voting for the Amendment of his right hon. Friend the Member for Kilmarnock.

MR. OSBORNE said, he coincided with the remarks which had fallen from his right hon. Friend the Member for Oxfordshire (Mr. Henley), who said that the House had been placed in a delicate position by the Amendment of the hon. Member for West Norfolk (Mr. G. Bentinck). But if the House had been placed in a delicate position, it was not by his hon. Friend the Member for West Norfolk, but by the conduct of the Government itself. So far from agreeing with the right hon. Gentleman who had just sat down (Sir George Grey) he contended that the House was bound not to consider this question of the convenience of the House in a piecemeal manner. The way in which the House should deal with this question of Business was after the manner of the Report of the Committee of 1871. Only three of the recommendations of that Committee were now adopted by the Government, and, without giving any preliminary Notice, they brought forward three others which struck mainly at the freedom of debate. So far from censuring the hon. Member for West Norfolk, he thought the hon. Member entitled to the thanks of the House, which he did not generally get, for having moved his Amendment, which he trusted would be pressed to a division. Her Majesty's Government recommended the appointment of a Committee on the subject, and he had never heard any explanation why that Committee had been suddenly withdrawn. He knew that the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) recommended it; but was that any reason why the Government, which was not always so ready to listen to a recommendation from that quarter, should have so acted in this case, and imported new recommendations which had never been considered at all by any Committee? He looked on these Resolutions as stop-gap Resolutions. They had not been properly considered. After all, when one considered the conduct of hon. Members of the House, they got on very well. It depended very much on the course pursued by the Leader how they got on. He expressed no opinion on the present Resolution by itself; but he took the whole of the Resolutions in the mass, and he contended that they ought all to be sent to a Committee to be considered, for the plan under consideration was at best but an imperfect

way of dealing with the question. He thanked his hon. Friend for bringing forward his Amendment, and he trusted that hon. Members would join him in supporting the Amendment of the hon. Member for West Norfolk, as being the only way of really expediting the important Business of the House.

MR. COLLINS, as a Member of the Committee appointed to consider this subject, desired to mention one or two circumstances. With regard to this particular question, he had looked carefully into the Journals of the House, and could find very few instances in which this power was abused. He desired to remind the House that, in presenting this recommendation to the House, they were not presenting what was deemed the real wish of the Committee. There were 9 in favour of this proposal and 9 against it, but both the hon. Gentlemen who were absent—the Chairman of Committees and the right hon. Baronet the Member for West Essex—were averse to the proposal. If they had been present the question would have been settled in the opposite direction, for the vote would be as 11 to 9. The question, too, had already been considered by a Committee 20 years ago, and their Report had been unanimous against the proposal, and the Government ought, therefore, to have very strong reasons, indeed, before they brought before the House a suggestion unanimously rejected by the Committee 20 years ago, and disapproved by a majority of the Committee of last year. The Amendment proposed by the hon. Member for Kilmarnock would be an improvement upon the proposal of the Government, but it would be better still to leave matters as they stood.

MR. KNATCHBULL-HUGESSEN said, he trusted the House would not speculate as to what would have been the decision of the Committee had certain hon. Members not been absent. He contended that the question under consideration was one not affecting the privileges of that House, but that, on the contrary, it was merely the power which any individual hon. Member now had of over-riding the general opinion of the House; and he believed the time had now come when individual privileges of that nature were narrowly scrutinized by the public, and that their retention had to be justified by the test of wisdom

and common sense. That power his hon. Friend the Chairman of Committees acknowledged to be an anomaly; but to his removal his hon. Friend would not consent, because there were other anomalies. He would, however, remind his hon. Friend that the acceptance of this argument would have prevented every reform that had ever been adopted in the country, and that they could not effect every reform at the same moment, nor remove every anomaly at once. But whenever they met with an anomaly, the best thing they could do was to remove it. That was an anomaly, and one which might be productive of very considerable inconvenience to the House. What the Government proposed was, not that that power should be abolished, but that it should only be exercised by a majority of the House. They were governed in this country by majorities, and he could see no reason why they should in this case depart from the ordinary rule. But on that particular question he took a broader view, and contended that there was another party whose interests were to be considered—the public, and he believed that the time had arrived when the public felt that they had a right, and were determined, to know what opinions were held by their Representatives, and when it was therefore necessary that that unwise privilege should be abolished. He thought that on the broadest possible grounds that anomaly ought to be removed; with other anomalies he would be prepared to deal as they arose.

SIR HENRY SELWIN-IBBETSON said, he preferred resting the question on the ground originally taken up by the right hon. Gentleman at the head of the Government. He was of opinion that the subject ought to be referred anew to a Select Committee, as the Report which had emanated from the Committee of last year could not be said correctly to represent the views of the Members, the final meeting having been ante-dated, so that three of the hon. Members composing it found it impossible to be present. The hon. Gentleman the Chairman of Committees had placed before the House the views entertained by one of the hon. Members who was absent, he (Sir Henry Selwin-Ibbetson) himself was another, and under these circumstances the House probably would have little difficulty in estimating

what value really attached to the so-called Report of the Committee, carried as it was by the narrowest majority. In dealing with a question so important as the regulation of the Business of the House it was impossible to be too cautious. A reference afresh to a Select Committee, he believed, would, therefore, be the only satisfactory solution of the difficulty in which they found themselves.

MR. W. FOWLER said, that when the rule was enforced against strangers in 1870 the rule was not obeyed by hon. Members themselves. A most partial report of the debate appeared in the next day's papers, on both occasions when the reporters were excluded, but especially in the second instance. The speech of the hon. Member for Bedford was compressed into a few lines, and other speeches not at all longer than his were set forth at full length. He spoke without any personal feeling whatever, having taken no part himself in that debate. But he felt that if reports of their proceedings were to appear at all, it was better that they should do so on the responsibility of the authorized reporters than from such accounts as individual hon. Members might choose to supply. He did not hesitate to say that the report which appeared on the second occasion referred to was a shameful report. He maintained that the House was perfectly safe in the hands of a majority of its own Members, and certainly far safer than when left to the caprice of a single Member.

MR. GLADSTONE said, he wished to disentangle the two questions—that relating to the exclusion of strangers, from the proposed reference of the subject as a whole back to the Committee. He himself was not in a position very strongly to oppose such a reference, that having been the original proposal of the Government. The matter stood thus—when that suggestion was made, it was opposed by the right hon. Member for Buckinghamshire (Mr. Disraeli), who rose in his place, and objected that the question should again be referred to the Committee, claiming that, before such a course was adopted, the labours of the former Committee should at least be submitted to the judgment of the House. The right hon. Gentleman the Member for Oxford University (Mr. G. Hardy) spoke in a precisely similar sense, as

did also his right hon. Friend the Member for Kilmarnock (Mr. Bouverie). Thus, three eminent Members of the Committee of last year concurred in urging the Government not again to refer the matter to a Committee, and to do so in the face of this protest would have been almost a slight to the labour and time which they had bestowed upon their investigation. Since that, it had come to his knowledge that many hon. Members of the House were prepared to express a contrary opinion, and that view, if expressed, would have been in accordance with the view originally put forward by the Government. In the face, however, of the actual circumstances, and looking to the course which had been adopted, and the representation which had been made by leading Members of the Committee of last year, he thought it would be a very left-handed course if the Government were again to change their minds, and to refer the matters in question to another Committee, without affording the House an opportunity of expressing its opinion on the recommendations which had been submitted.

MR. BERESFORD HOPE said, the argument of the right hon. Gentleman at the head of the Government would have considerable weight if these proposals now made by the Government were identical with those which had emanated from the Committee last year. On the former occasion, however, only four proposals were before the House; whereas now, within the last 48 hours, and without allowing time for consideration by hon. Members, a series of Amendments of a totally original and controversial character had been put upon the Paper by the right hon. Gentleman the Chancellor of the Exchequer, dealing with questions which certainly had not been fully debated by the Committee. The Government, therefore, had shifted its ground, and, abandoning the original recommendations of the Committee, had brought forward a *pot-pourri* of its own composition.

EARL PERCY said, he was afraid the occasions on which it was proposed that the House should determine by a majority of its own Members as to the course which should be pursued, would be occasions on which it was certain that party feeling would run very high, and that, therefore, the House would be

asked to decide gravely as to its own course of procedure when its pulse was at fever heat, and when, without disrespect, it might be said that its judgment would be clouded. On a recent occasion, the office of those whose duty it was in turn to preserve the order of debate in the House of Commons had been likened to the rock on whose head eternal sunshine rests. Could that description truthfully be given of the majority of the House itself upon occasions of great excitement? For that reason he was decidedly of opinion it was undesirable to lay down such a rule as the one now proposed.

COLONEL WILSON - PATTEN suggested that his hon. Friend the Member for West Norfolk (Mr. G. Bentinck) should withdraw his Amendment, and allow the decision to be taken upon the Main Question.

MR. G. BENTINCK said, in consequence of the suggestion of his right hon. Friend (Colonel Wilson-Patten), it appeared to him that it would simplify matters if he withdrew his Amendment, and therefore he would beg leave to do so.

Amendment, by leave, withdrawn.

MR. BOUVERIE said, upon consideration, he thought it would be extremely inconvenient to allow half a quorum of the House to rise in their places, in order to say that strangers should be excluded. He would, therefore, with the leave of the House, and in order to remedy that defect, in the place of the Amendment he had placed upon the Paper, substitute the original Amendment he had made use of last year for that subject.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "when notice shall be taken that strangers are in the House, Mr. Speaker shall collect the pleasure of the House whether they shall be ordered to withdraw, and if it appear to him that such be the pleasure of the House, he shall give order accordingly forthwith; but, if otherwise, he shall then put a Question to the House whether strangers do withdraw, and shall, without Debate, call on the Ayes to stand up in their places, and if more than twenty Members do stand up accordingly, strangers shall be forthwith ordered to withdraw,"—(Mr. Bouvierie.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Earl Percy

THE CHANCELLOR OF THE EXCHEQUER said, that Government had no object whatever in bringing forward the Resolution, except to meet the wishes of the House. Though he was personally in favour of the responsibility of excluding strangers being thrown on the majority of the House, he would accept the Amendment of the right hon. Gentleman as a compromise.

SIR ROUNDELL PALMER said, it was not clear to him whether the words "Strangers shall not be directed to withdraw, &c.," would prevent the Speaker from exercising the power of causing any part of the House occupied by strangers to be cleared in the event of disorder arising there. He was not sure, however, that the same objection applied to the Amendment of his right hon. Friend (Mr. Bouvierie).

MR. DISRAELI said, he was of opinion that there ought to be no doubt on this point. He considered it of great moment, for it must be in the recollection of Members of the Committee, that there had been times when the galleries in popular assemblies had assumed a tumultuous and insurrectionary character, and it was therefore necessary for freedom of debate that the power of exclusion should be possessed by the Speaker. With regard to the Amendment of the right hon. Gentleman the Member for Kilmarnock, any proposal emanating from the right hon. Gentleman on a subject of the kind must, of course, be received with great respect; but, nevertheless, it appeared to him the House ought to have an opportunity of carefully considering the matter. The hon. and learned Member for Richmond had already dwelt on a point worthy of consideration, and the House ought not to proceed in such a matter without due deliberation. It was desirable to have an opportunity of seeing the right hon. Gentleman's proposition in print, and of considering the possible consequences which might arise from its adoption.

LORD ELCHO said, he was sorry that his hon. Friend (Mr. G. Bentinck) who brought forward the first Amendment had not stood by it. The alteration proposed by the Government was rejected unanimously by the Committee in 1849, and was only carried in the Committee of 1871 by the casting vote of the right

hon. Gentleman the Chancellor of the Exchequer. Indeed, if fair notice of the proposal had been given to the Members of the latter Committee, there would probably have been a majority against it. He greatly doubted whether the compromise now proposed by the right hon. Gentleman the Member for Kilmarnock would be an improvement. At all events, it was proposed very suddenly, and, in his judgment, the only practical course would be to submit the question to a Committee upstairs, instead of dealing with it in that haphazard way.

MR. J. LOWTHER said, hon. Members had to choose between two alternatives, both of which he, for one, regarded with equal disfavour. If the right hon. Gentleman the Member for Kilmarnock's proposal were carried, it would introduce for the first time the practice, prevalent, he believed, in America and other foreign countries, of calling on Members to rise in their places in substitution of the time-honoured practice of the House of Commons taking the sense of the House by a division. It was hardly fair to hon. Members to ask them within a few moments of the dinner-hour, and after a very brief discussion, to alter the old established forms and customs of the House.

MR. CRAUFURD said, there was some reason for requiring a majority to order the exclusion of strangers; but he could see no reason for conferring that power on 20 Members. He had, after careful consideration, come to the conclusion that the House must either maintain the present rule on the subject, or else abolish it and give strangers an absolute right to come in.

MR. DODSON said, the Amendment of the right hon. Gentleman the Member for Kilmarnock appeared at the first blush to be an improvement on the original Resolution; but still he could not vote in favour of such a proposition at a moment's notice. If there were divisions, he should vote both against the Resolution and the Amendment. The 2nd Resolution the Government had to propose was a practical one, which would have an immediate effect on the proceedings of the House, and he trusted the House would proceed to discuss it without delay. He hoped the present Resolution and the Amendment would be withdrawn, leaving them, if expedient, to be considered at some future time.

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MR. COLLINS said, he joined in the recommendation of the last Speaker (Mr. Dodson), and would urge the postponement of the Resolution.

MR. WHITEREAD rose to add his request to that which had been already made, that the Government would not press their Motion to a division, because so many questions were raised by the Amendment suggested by the right hon. Gentleman the Member for Kilmarnock that it was next to impossible to consider them, on hearing that Amendment read for the first time.

COLONEL WILSON PATTEN said, he had suggested that the hon. Member for West Norfolk should withdraw his Amendment, because he wished to be able to support that of the right hon. Gentleman the Member for Kilmarnock; but the right hon. Gentleman's Amendment perhaps embodied more than his speech; and he agreed that it would be desirable that a little time should be taken to consider the Amendment.

MR. BOUVERIE said, he was quite willing to withdraw his Amendment, if the Government would withdraw the Resolution. He read his Amendment only in the way of suggestion, and would not have moved it, had he not been pressed to do so by the hon. and gallant Member for North Lancashire.

Amendment and Motion, by leave, withdrawn.

THE CHANCELLOR OF THE EXCHEQUER, in rising to move the second Resolution on the Paper, as follows—

"That whenever notice has been given that Estimates will be moved in Committee of Supply, and the Committee stands as the first Order of the Day upon any day except Thursday and Friday, on which Government Orders have precedence, the Speaker shall, when the Order for the Committee has been read, forthwith leave the Chair without putting any Question, and the House shall thereupon resolve itself into such Committee, unless on first going into Committee on the Army, Navy, or Civil Service Estimates respectively, an Amendment be moved relating to the division of Estimates proposed to be considered on that day."

said, that the Resolution was adopted unanimously by the Committee last Session—["No, no!"]—at all events, so far as the word "unless," and excluding the remainder. In fact, the substance of the Resolution was moved by the right hon. Gentleman the Member for Kilmarnock, and carried by a casting

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vote. The effect of it was, that on nights when the House went into Committee of Supply there should be no Motion made, except in relation to the subject-matter of the Army, Navy, and Civil Service Estimates. It was generally supposed that the right to make a Motion, or to call attention to a subject was a relic of an ancient English liberty of the most valuable character. [Lord Elcho: Hear, hear!] Yes, the noble Lord evidently took and followed out that view of it. It was traced back to the time when Parliament laid down the maxim that Grievance should precede Supply. No doubt in old time when the King and the Parliament met together, they had different objects in view; his object was to get Supply and then to get rid of them; and the object of Parliament was to get rid of Grievances and not to grant Supply. Now, if anyone thought that that ancient state of things was the origin of the modern practice, he was under a natural but substantial error. According to the evidence before the Committee, it appeared from the records, which had been specially searched, that these Motions on going into Committee of Supply were not to be met with earlier than 1811, when Parliament cancelled a rule, which had always been maintained up to that time, that in all cases Notices should have precedence of Orders of the Day. Mr. Thomas Creevey, being aggrieved, made a Motion in going into Committee of Supply, and that was the origin of the practice; but so rare was it made that in the next 10 years there were only three instances of it, whereas in the 10 years which had just elapsed there was an average each year of 33 Motions on going into Committee of Supply, and 33 Notices for calling attention to subjects, making a total of 66 Notices. The cause for the Resolution was plain, and might be easily stated in a very few words. He did not—for he could not accept the prevalent theory of the Business of the House being divisible into two sections—that which belonged to independent Members, and that which belonged to the Government. On the contrary, he rather thought that both Government and independent Members were there for one purpose—the benefit of the country at large; and what they had to do was to consider how they could best arrange, so that the business of the country might be best got through, and

that every hon. Member should know what was the subject that would come on on any particular evening. Nothing could more frustrate that object than the present Rule of taking Motions on going into Committee of Supply. They all knew that on Supply nights there was a large number of Motions put down which did not disappear from the Paper when they were once there, but waited for a convenient day; so that hon. Members never were able to know which one of them was to be proposed on any particular evening, or whether Supply would or would not be really taken. Enormous inconveniences were thus occasioned. But that was not all. Everyone knew that the business of Supply was the core and kernel of the work of the House of Commons. By it the Session was measured, and until it was concluded the Session could not come to an end. Yet an hon. Member might put down a Motion, and might be quite sure that it would come on; the Government might put down a Bill with the same certainty; but they never could tell whether Supply would come on or not. It often happened, in consequence, that the valuable hours before dinner were occupied with Motions, and that, just when the House was beginning to thin, important Estimates were brought on, and the duty of scanning those Estimates and of insisting on rigid economy was imperfectly performed. Moreover, if the Government had a Bill in hand, and also wanted to forward Supply, the effect of the present rule was this—that they felt it necessary to give the Bill precedence, because they had no certainty that if Supply was put down for any particular night, they would be allowed to reach it. Thus Supply got postponed till the fag-end of the Session, when hon. Members were fatigued with their labours, and little disposed to watch the Votes with jealousy. He might also observe that it was now generally admitted that the great weight of legislation must and should fall on the shoulders of the Government, and it was obviously most undesirable that the few days placed for that purpose at the service of the Government should be curtailed by a rule such as the one he now proposed to amend. The Resolution, as he originally proposed it, was that the proposed new rule should apply to every time they went into Committee of Supply, but the right hon. Member

The Chancellor of the Exchequer

for Buckinghamshire (Mr. Disraeli) suggested that it should be limited to one day of the week; and he gladly acceded to that suggestion as a reasonable compromise. The rest of the Motion was suggested by the right hon. Member for Kilmarnock (Mr. Bouvierie), with the idea that hon. Gentlemen might wish to make general observations on Estimates, or to move the reduction of the total amount, and it was to preserve the power of doing that before the Votes were considered, that the last clause was added to the Resolution. The matter seemed to him to be in a small compass, and he trusted the House would favourably consider the course proposed. It was not legislation, but Supply, which lengthened the Session; that could be closed with little legislation, but not before Supply had been gone through, and the duty of the House with regard to Supply was as important as any duty it had to discharge. It certainly seemed very unreasonable to interpose between the duty of going into Committee of Supply and its discharge, obstacles which were not allowed to intervene in any other instance. If it was right that the House should go into the consideration of a Bill, surely it was more right that they should go into Supply, and it seemed almost a mockery to say that the right which they regarded as at once their peculiar function, and the one they were most proud to exercise, should have obstacles thrown in the way of its discharge which were well nigh insuperable. He believed hon. Members, by adopting the Resolution which he had the honour to propose, would do more to relieve the pressure on the Business of the House than by any other change which could be made.

Motion made, and Question proposed,

"That whenever notice has been given that Estimates will be moved in Committee of Supply, and the Committee stands as the first Order of the Day upon any day except Thursday and Friday, on which Government Orders have precedence, the Speaker shall, when the Order for the Committee has been read, forthwith leave the Chair without putting any Question, and the House shall thereupon resolve itself into such Committee, unless on first going into Committee on the Army, Navy, or Civil Service Estimates respectively, an Amendment be moved relating to the division of Estimates proposed to be considered on that day."—(Mr. Chancellor of the Exchequer.)

Mr HENRY SELWIN-IBBETSON, before asking the House to accept the

Amendment he had put on the Paper, to the effect—

"That a Select Committee be appointed to consider the best means of facilitating the despatch of Public Business in this House, and that the Reports of previous Committees on this subject be referred to it."

said, he wished to call attention to what had been stated by the right hon. Gentleman the Chancellor of the Exchequer, that the Resolution he had moved had been agreed to unanimously in Committee, whereas the unanimity referred merely to the introduction of the words "Thursday and Friday," not to the merits of the proposition before the House. The first division was taken on the Amendment of the right hon. Member for Kilmarnock (Mr. Bouvierie), which was negatived by the casting vote of the right hon. Gentleman the Chancellor of the Exchequer himself. But when they came to divide on the general substance of the Resolution, it was not carried unanimously, though he acknowledged it was carried by a large majority, which, however, had been much influenced by the accident as to the meeting of the Committee to which he had previously referred. His reason for asking the appointment of a Committee on this subject was, that he believed they had not yet arrived at—he would not say unanimity, but even sound knowledge on the important subject of the conduct of the ordinary business of the House. There were many points which were raised in evidence before the Committee which had not been duly considered. There was the question, for instance, of the possibility of constituting large Committees, in order to get through the business, in favour of which the weight of authority was very great. They had the statement of the Gentleman who presided so ably at the Table, in answer to a question by the right hon. Baronet the Member for Droitwich (Sir John Pakington), that the appointment of such Committees would be of great advantage in saving time, and that some scheme having that in view was much needed. That was a practical point in dealing with the Business of the House, which ought to be more carefully considered. There were other suggestions which had not been brought before the Committee, and which required to be deliberated upon; and many of the proposals were put before that body in the absence of

the Members who proposed them, and negatived because there was nobody to support them. The House would act wisely, therefore, if they agreed to the re-appointment of the Committee—not as any slight upon their labours—but that they might be carried to the length they ought to have been carried. While admitting that the Business of the House wanted reform, his objection to the Motion was, that it went too far; as, by the introduction of the word "first," there would be a practical limitation to one day of the discussion of any question that might relate to the very Estimate under consideration. He should have been willing to have supported a Resolution which confined the discussion to subjects cognate to the Estimates; but he considered the Resolution of the right hon. Gentleman would seriously endanger the liberty of debate. He had already stated his objections to the finding of the Committee; and he had also, on another occasion, stated his objections to the Resolutions of the Government. Some of the Government Resolutions were not the Resolutions of the Committee; some of them were introduced lately, without giving any opportunity of considering them; and, therefore, it would be well to refer the subject back to the re-appointed Committee, where it would be sifted, and where there was some hope of a conclusion being arrived at which would diminish the labours of the House. With those observations, he begged leave to move the Amendment of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to consider the best means of facilitating the despatch of Public Business in this House, and that the Reports of previous Committees on this subject be referred to it,"—(Sir Henry Selwin-Ibbetson.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BAILLIE COCHRANE hoped the Government would take the advice given by his hon. Friend the Member for West Essex (Sir Henry Selwin-Ibbetson). Having already withdrawn one Resolution, they should withdraw the others. They must take the whole

Sir Henry Selwin-Ibbetson

of these Resolutions together; and while he sympathized entirely with the Chancellor of the Exchequer that time should be saved, they must not lose sight of the rights and privileges of the House. One of the most important of their privileges was, that no Supply should be taken until any question which it was desirable first to discuss should have been brought forward. Again, by Resolution No. 6 it was proposed that no hon. Member wishing to put a Question should be allowed to move the Adjournment of the House. The effect of that would be to deprive hon. Members of a power which they ought to possess, and which they were generally in the habit of using with discretion—namely, the power of calling attention to matters of urgency on a Motion for the Adjournment of the House. If the Resolution now before the House were carried, they would only have Friday nights for bringing forward the questions which independent Members wished to discuss; and if the House happened to meet in the morning of Friday, they knew the difficulty of getting hon. Members down to the Evening Sitting at 9 o'clock in time to make a House. These proposals would, therefore, impair the independence of the House. It was far more important than the saving of time that they should transmit to their descendants what they had inherited from their ancestors—the independence of that House and the right to discuss grievances before granting Supply. He, therefore, recommended the Government, as they had withdrawn their 1st Resolution, to withdraw this one also, and refer the whole matter again to a Committee.

MR. RYLANDS rose to oppose the Amendment of the hon. Baronet opposite (Sir Henry Selwin-Ibbetson). The Resolution now under discussion was adopted by a large majority of the Committee of last year; and if the House passed it, they would effect a valuable improvement in the mode of conducting Public Business. He, therefore, hoped that the Government would not allow the Resolution to be put aside, but would take the sense of the House upon it by a division. His own position was that of an independent Member, and he believed that, so far from lessening the privileges of private Members, the Resolution would materially add to their power of fulfilling that most important

part of their duties, which consisted in criticizing the Estimates and reviewing the public expenditure. On important occasions the Government felt bound to give up a night for other business than their own—as, for example, when a Motion like that condemning the appointment of Sir Robert Collier was put upon the Paper, and which could not be conveniently discussed as an Amendment on going into Supply. He had himself often come to the House on Supply nights expecting the Estimates to be brought on at an hour when they could be properly discussed; but, instead of that being the case, a number of small questions occupied the greater part of the night, and Supply was not reached till, perhaps, 11 o'clock, when it had to be gone through, if at all, in a scrambling and most unsatisfactory manner. At the beginning of August, when the Session was fast drawing to a close, he had known £15,000,000 of the public expenditure still to remain uninvestigated and unvoted; and he had protested against the House being driven into a corner by having to deal with the Estimates under such circumstances. He had seen Votes taken when not a dozen Members were present, and after 1 and 2 o'clock in the morning. Private and independent Members were much interested in guarding against the repetition of that state of things, and they ought to insist on the Estimates being brought on earlier in the Session, when they could be fairly discussed. With that view they should enable the Government, at all events on one night in the week, to put down Supply as the first Order, when the House would have a certainty that the Estimates would come on at a reasonable hour. If that were done, and the Government still kept back the Estimates till late in the Session, the House would have a just ground of complaint against them.

MR. CAVENDISH BENTINCK thought the observations of the hon. Member who had spoken last (Mr. Rylands) were somewhat wide of the mark. The hon. Member, instead of supporting the Government, had really been condemning them altogether; and if he had had longer experience in that House he would hardly have made the remarks he had done. The difficulty in regard to the Estimates had never arisen until the right hon. Gentleman opposite

(Mr. Gladstone) assumed the conduct of public affairs. In the days of Lord Palmerston and other Prime Ministers, the Estimates were always fairly considered, and their discussion was seldom protracted to a late period of the Session. A reference to the official records would bear out what he now said. But since the present Government had taken office they had so mismanaged matters that the Estimates had been put off till the very end of the Session. The Committee of last Session on Public Business, of which he was himself a Member, was a very imperfect Committee, and he did not wonder that the hon. Member found fault with it, for he (Mr. C. Bentinck) entirely agreed with him. Its constitution was objected to from the first. It contained too many official Members, and Members with pre-conceived opinions on the questions referred to them. The right hon. Gentleman the Chancellor of the Exchequer, in introducing these Resolutions, had made a few brief observations, stating that the proposal to abolish the right of independent Members to bring on the Motions of which they had given Notice before going into Committee of Supply was not a constitutional question; but before he sat down he trusted to be able to prove to the satisfaction of the House, that it was a most important constitutional question, and that it had been admitted to be so by Sir Erskine May, and by equal, if not greater authorities. It had been said that the principle of the Government proposition had been carried in the Committee which had sat last year by a majority of 13 to 5, but how had that majority been obtained. The object of the Government proposal before the Committee undoubtedly was to do away with the constitutional right of private Members bringing forward Motions relating to grievances before going into Committee of Supply, except on Friday, and as soon as the late Speaker and Sir Erskine May had been examined before the Committee, and the right hon. Gentleman the Chancellor of the Exchequer had announced that proposition on the part of the Government, the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) at once stated that if one day in the week were to be excepted, he should be happy to accept the proposal. The consequence was that the right hon. Gentleman the Chancellor of

the Exchequer immediately jumped down the throat of the right hon. Member for Buckinghamshire and closed with his offer. There happened, however, to be on the Committee some independent Members of the House, who objected to matters being thus complacently arranged by the official Members, to the destruction of the rights of the private Members, and in consequence of their opposition, the consideration of the matter was postponed to a future day. Then occurred what was contended had rendered the whole proceedings of the Committee invalid, and their recommendations utterly worthless. The final decision of the point was arrived at by the Committee on Tuesday, the 28th of March, 1871. It had been determined that the Committee should come to a determination on the matter on the Friday following that day; but on the Friday preceding that day, three or four of the Members of the Committee met together, and decided that the meeting should be held three days' earlier than had been originally intended; and, consequently, four of the Members who undoubtedly would have voted against the Government proposition were unavoidably absent, and thus the Government majority was 8 instead of 4, which latter number was not a large majority considering how the Committee had been packed by the appointment upon it of such a large number of official Members. A more extraordinary speech than that to which the House had listened to-night from the Chancellor of the Exchequer he had never heard. His statement that this was not a constitutional question was contradicted by the evidence of Sir Erskine May and by Lord Palmerston, who, in proposing certain Standing Orders on the 3rd of May, 1861, had stated that the adoption of such a proposition would be a great hardship upon non-official Members. The right hon. Gentleman stated that these Motions of private Members upon going into Committee of Supply led to great uncertainty, but that was the fault of the Ministers themselves, who might easily ascertain whether or not a hon. Member intended to proceed with the Motion of which he had given Notice. He also wished to point out that the statistics given by the Government at the end of the Report were likely to lead to erroneous conclusions, seeing that they only referred to

the number of Motions on Supply, and the number of pages of *Hansard* filled with discussions upon them, forgetting what they themselves had wrested from private Members. The Return which had been prepared by the Clerks of the House on his (Mr. C. Bentinck's) Motion gave a much more accurate statement of the subject. When he first had a seat in that House Morning Sittings were never heard of before the beginning of June, and then they only occupied from 12 until 4. The late Ministry introduced a new system of Morning Sittings, lasting from 2 till 7, instead of from 12 to 4; thus occupying the cream of the day, and leaving only an exhausted House, or no House at all, to reassemble at 9 o'clock. That was a serious blow to independent Members, and to make the matter worse the present Government had begun Morning Sittings as early as March, whereas formerly they never commenced till May. Last year there were such sittings on the 8th of March, the 11th of March, the 12th of April, and so on. In the Session of 1870, the number of Notices discussed on going into Committee of Supply was 81, occupying 252 pages of *Hansard*. It must not be supposed, however, that these were all adverse to the Government, for some of these Motions were favourable to and even encouraged by, the Government. The number of pages of *Hansard* occupied by the time taken from private Members through the alteration as to Morning Sittings was 395, and during the last three years the Government had had a large balance in their favour on this head. Indeed, Sir Erskine May, when interrogated by himself (Mr. C. Bentinck), as a Member of the Committee, was constrained to admit that the time allowed to private Members had been contracted of late years. When Morning Sittings commenced in March, non-official Members had no option but to bring on Motions on going into Committee of Supply. Then, again, the Chancellor of the Exchequer had argued that without still further trenching on the time of private Members, it was impossible to have the Estimates properly discussed, but this was only an instance of the proverb that he was a bad workman who found fault with his tools. No former Government had met with this difficulty. He had referred to the ad-

Mr. Cavendish Bentinck

missions of Sir Erskine May, and he would appeal to the opinion of a gentleman, who, though not a Member of the House, had had a long and intimate acquaintance with it, and who from his experience and ability was highly competent to give an opinion on this subject. He referred to Mr. Charles Ross, who last Whitsuntide wrote an able letter on the matter to *The Times*. That letter was well deserving of the attention of the House, for it evinced not only a knowledge of the evil but of the proper mode of dealing with it. These were Mr. Ross's words—

" Unless Ministers themselves exercise more reserve and discretion with regard to the introduction of Bills than has been manifested of late years, it would be of little avail to restrict the tendency to over-legislation in private Members. It can hardly be denied that the measures which Governments bring forward are sometimes liable to the suspicion of being framed more with a view to political exigencies than to meet national wants. It is to the proneness of Governments—for, of course, I refer not to the present Government alone—to introduce measures intended to be 'popular' that we must, in a great measure, attribute that accumulation of Bills on the Order Book which was spoken of in the Committee as the 'block of business.' Recent events prove that the Government have failed to profit by experience. Already they have been obliged to withdraw several Bills, the passing of any one of which would be a task for a Session; but the Senatorial Temple Bar—to borrow Mr. Bright's figure—is still blocked up by half-a-dozen Government omnibus, and there is a line of upwards of a hundred other Legislative ventures behind them. Whence, let me ask, comes this rage for legislation? If we were a new settlement, where everything had to be created afresh, down even to the elements of the social and political system, one could understand it; but that in this England of ours the Parliament should pass more than a hundred new laws annually does seem a thing to be wondered at."

These were the remarks of a very sensible man, who knew what he was talking about, and had had the courage not only to write the letter, but to put his name to it. That letter of Mr. Charles Ross was entirely sufficient to confute the Chancellor of the Exchequer. From the death of Lord Palmerston to the present time this country had done no social legislation, because there had always been a cry about Reform. The more they reformed the worse the state of things was. When they got Reform, they wanted the Ballot; and when they had got the Ballot, they would want more sensational legislation. He would advise them to devote a Session or two to

the affairs of the country, and to give up sensational legislation. It was a most unjustifiable proceeding on the part of Her Majesty's Government to press the House to deal with these Resolutions before the House had time to come to a correct judgment upon them. He had spoken to scores of hon. Members of the House on the subject of these Resolutions, and they said they had not had time to read them. The Resolutions were concocted on Thursday, and did not make their appearance till Friday; it was consequently impossible that the House could deal with them properly on so early a day as this. If these Resolutions were carried, they would only be the prelude to further aggression; non-official members would have no chance whatever of bringing Motions before the House. Therefore he would give to these Resolutions, which by no means could be of public advantage, his most strenuous opposition.

MR. B. SAMUELSON said, the hon. Member who had last spoken (Mr. C. Bentinck) had found fault with the right hon. Gentleman the Chancellor of the Exchequer for having made what he called "brief observations" on introducing these Resolutions. Brevity was not a fault which could be laid to the charge of the hon. Member who had just spoken, for he had occupied the time of the House for about 50 minutes. He (Mr. B. Samuelson) thought it was straining the privileges of private Members to make these long speeches, and it was owing to that, and to their bringing forward what they were pleased to call "grievances," but which had no relation whatever to the subject which hon. Gentlemen came down to discuss, that Government found themselves obliged to bring forward these Resolutions. Instead of complaining that the privileges of private Members were to be curtailed, hon. Gentlemen generally would have reason to congratulate themselves if a Resolution such as that before the House was passed. It was a perversion of the privileges of private Members when the subject for the consideration of the House was, for example, the Army Estimates, to come down and call attention to some "grievance," in reference, perhaps, to the passage of carriages down Constitution Hill, or some equally trivial question which had no relation whatever to the Estimates, or

even to the question of Supply. There was, however, one observation made by the hon. Member with which he entirely agreed, and that was that Parliament would do well to address itself to business, and it was because this Resolution, if passed, would enable the House to do so that he was in favour of it. What hon. Members wanted to know was, what business was to occupy them on any particular night; for, as the matter now stood, they never knew what their business was to be, or whether they were to do any business at all. That had gone so far now that the country was beginning to take notice of it, and it was impossible that the state of things which prevailed last Session would be tolerated by the public any longer. For that reason he must vote against the Amendment, because the effect of it would be to compel them to go on wasting their time in this year of grace 1872 as they had done in 1871. It was not to be tolerated that the Estimates should be driven off until the month of August, but the Government had no alternative but to put them off, when hon. Members came down night after night with their grievances to take up the time of the House whenever Supply was the Order of the Day. He trusted, therefore, the House would support the Government at least so far as this Resolution was concerned. This was a Resolution which had been carried in the Committee by a large majority, the only one, he believed, which had been so carried. If it were referred back to the same Committee, the chances were that it would be carried by a majority equally large, but to refer it to another Committee would be only to stultify the late Committee and themselves. From what had occurred on the 1st Resolution the House had shown itself quite competent to deal with the subject without the intervention of a Committee. They had a full discussion on the 1st Resolution, and, when it was shown that there were practical objections to it, it was withdrawn. The more the House considered this Resolution the more they would like it, for the scope of it was simply that on one night of the week, and on one night only, if the Government chose to put down Supply, they would do so with the certainty of Supply being considered.

MR. BERESFORD HOPE said, he must take this Resolution in connection with its past history, and also with the other Resolutions which he saw on the Paper, and which formed part of the programme of the right hon. Gentleman the Chancellor of the Exchequer. The Resolution under consideration said in effect that private Members on both sides should have no opportunity, except upon Tuesdays and Fridays, of bringing forward the many miscellaneous questions, which not only came under their personal cognizance, but which, in the interests of their constituents, they were called upon to take up. That was how he read the 2nd Resolution. Well, he read the 4th Resolution as saying that Morning Sittings on Friday should begin from the 1st of May; and the 5th, that Morning Sittings on Tuesdays should begin from the 1st of July. Then he harked back to the 3rd Resolution, which was a despairing cry to save from utter collapse an exhausted House, which from the 1st of May had been sitting on Fridays, and from the 1st of July on Tuesdays, at 2 o'clock. Putting all these Resolutions together, all that he or anyone who candidly and dispassionately examined them could say was, that if they passed this Resolution, and went on to the others, which, together with it, formed the whole scheme of the Chancellor of the Exchequer, private Members would really have only to the 1st of May, or, in other words, only to this side of Easter, any assured time during which to raise questions, however important, and that only on Tuesday and Friday evenings. Tuesday was a Motion night, but on this side of Easter it was occupied not only by general questions but by the inception of Bills, and if this Resolution were adopted, all those matters which it was the duty of a Legislative Assembly to take in hand would be subordinate to the cut-and-dry programme of the Government. As to the historical defence which the Government had attempted to set up—before 1811 there were as now questions of great importance which excited attention in Parliament and the country, but they were few in number, compared with those which came up in days of more rapid communication and more free journalism. When Europe was stirred by the revolutionary war, matters of importance requiring Parlia-

mentary interference became more frequent, and hence came the necessity of giving the Government a specific division of time and certain days for Public Business. There was in short a division of labour, and the remaining nights were left for the questions which it was the rightful privilege of independent Members to discuss. Up to the period of the Reform Bill the advantage was not with the Government, for private Members enjoyed almost unchecked licence in the power of raising any question, and speaking at any length upon the presentation of Petitions. Before 1861, when the change was made of preventing Members from making speeches upon the question of Friday Adjournments, private Members may have had, he would not say an excessive share, but the lion's share of the time allotted to business. After 1861, however, the lion's share clearly devolved upon the Government. For proof, let the House look at the Paper of that night. A question of deep interest to the inhabitants of the metropolis had arisen upon the treatment of the Report of a Select Committee on the Thames Embankment. Yet the hon. Member for Westminster (Mr. W. H. Smith) was driven from pillar to post in order to get an opportunity of bringing forward his Motion on this subject. Who would say, in the face of such facts, and the discussion which had occurred that very night, that private Members enjoyed any undue pre-eminence or advantage of position? Where would the House be if all these Government Resolutions were adopted? There would be a rush for the Tuesdays at the beginning of the Session. The Government, it must be remembered, shut up the Fridays after the 1st of May, because they took possession of them for Morning Sittings from 2 till 9 o'clock. They now liberally proposed that the House should not be counted till a quarter past 9, and when a question was to be brought on that suited the Government, they would make a House. Otherwise everyone knew what happened on hot May and June nights, when private Members wished to bring on Motions. There was no system that was worth anything without its abuses, and the proof that a system was really energetic and vital was that it had its abuses. The privilege of moving Amendments on going into Com-

mittee of Supply might have been abused by would-be patriots and lazily worked out by bores; that, however, was only a proof the system was a good one, because patriots and bores had a right to be heard in that House. The pressure of public opinion was brought to bear upon Resolutions moved antecedent to Supply, and no man would move such a Resolution unless he had a good reason for it; and therefore to prevent any such Resolution from being moved would be to cut off a great safety-valve. He therefore thought that the Motion for binding over Monday as a bondsman to the Government for Supply ought not to be agreed to; and he deprecated the idea of Government calling on the House at that moment—when the minds of hon. Members were filled with the anticipations of to-morrow, and when they were naturally anxious to retire early to their several homes—to pass Standing Orders blindfolded, and head-over-heels to recognize claims which he thought no Government ought to make.

MR. SINCLAIR AYTOUN said, he used to think that some such Resolution as this was necessary, but longer experience in the House had led him to reconsider that opinion. The enthusiasts for economy would be disappointed, for he did not believe that if this Resolution passed, there would be a fuller attendance on Supply nights, nor would any great change for the better occur in checking the national expenditure. One result would be that Governments would get through Supply and then Prorogue, ending in a shortening, and not a lengthening of the Session, which for all practical purposes was already short enough, for in his opinion Parliament sat a shorter time than it ought. It need not sit a greater number of days during the year, but there should not be so long an interval during which Governments might do as they liked. One remedy for the existing state of things would be to meet earlier in the year. Why not in January instead of February? ["Oh, oh!"] He knew such an idea was unpopular, because it interfered with business men, and those who were fond of hunting and shooting. Any way, independent Members ought not to be asked to give up a part of the time now allotted to them. The failure of last year was due in a great degree to the Government themselves, and not to the House of Com-

mons. When Ministers proposed distasteful measures like some of those proposed last year, Public Business was not likely to make much progress. For example, the right hon. Gentleman the Chancellor of the Exchequer brought in a most eccentric Budget, founded on no rational principles, and exciting the amusement of all those persons who were not too much disgusted to laugh at it, and the effect was exceedingly demoralizing. But the right hon. Gentleman was not the only Minister who contributed to bring the House into this frame of mind. He (Mr. Aytoun) agreed with the right hon. Gentleman the Secretary of State for War in his proposal to abolish Purchase; but in the statements of the right hon. Gentleman there was a total absence of information, which produced on his mind a very depressing effect. As to the right hon. Gentleman the Secretary of State for the Home Department, he had told his constituents in Renfrewshire of the miserable condition of mind to which he was reduced. He felt sorry for the right hon. Gentleman last Session, and he would, he hoped, be more successful in the present. ["Question!"] Those hon. Gentlemen who cried "Question," seemed to be utterly ignorant of the Rules of the House. He, for one, maintained that the failures of last year were in a great degree due to the conduct of the Government. It was, no doubt, one of the great functions of the House to regulate the Supply to be granted to Her Majesty, but another extremely important function of the House was that of criticizing and putting a stop to the action of the Government when, in the opinion of the House, that action was opposed to the public interests—a function which he feared would be greatly hampered if the present Resolution were passed. A great deal of work which had been thrown on the House of late had, it should not be forgotten, been occasioned by the mistakes of the Government themselves, and it was, therefore, unreasonable that they should ask private Members to forego the opportunities which they possessed of criticizing their conduct. Not long ago much time had been consumed in commenting on an appointment made by them to the Judicial Committee of the Privy Council, and, under those circumstances, he thought it would be well to pause before passing

a Resolution which would place more power in the hands of the Ministry, already, in some respects too powerful; and with that view, he was in favour of referring the question back to a Select Committee.

MR. HUNT said, he had no doubt that the proposition before the House would meet the evil that it was intended to cure—that of enabling hon. Members to know when Supply was coming on. The question, however, was whether in curing that evil a greater might not be created. The Chancellor of the Exchequer seemed to imagine that when he had stated that the practice of making Motions on going into Committee of Supply had originated in very recent years, he had entirely cut the ground from under the feet of those who supported the views he was now taking. But since he had entered Parliament, his (Mr. Hunt's) observation had led him to the conclusion that hon. Members were desirous of having the opportunity of bringing forward subjects of interest and making short statements with respect to them. Indeed, there was of late a great tendency to endeavour to preface questions by short statements of minor subjects. The Chancellor of the Exchequer pointed out that the practice of raising such questions on going into Committees of Supply became general for the first time in 1837, and he thought he could account for the origin of the practice. Before the year 1835, it was the habit of hon. Members on presenting Petitions to make statements with respect to them; that practice gave them an opportunity of calling attention to matters in which they felt an interest. Owing to the time which it took up, however, the practice was abolished by the common consent of the House; but the result was what might have been expected when hon. Members were deprived of one opportunity of bringing forward questions of interest to themselves and their constituents under one particular form of the House, they would be sure to invent another. so in this case, they embraced the opportunity of bringing forward questions on going into Committee of Supply. In 1861, again, the practice of moving the Adjournment of the House from Friday to Monday was abandoned—a Motion on which various topics might be discussed; but it was found to be a great inconvenience that a

Minister should in answering questions on entirely different matters, be limited to only one speech, and, therefore, Supply was put down for Friday night, and the Motion for Adjournment was abandoned. Now, the proposal before the House had, in his opinion, both its advantages and disadvantages. It was a convenience to some hon. Members to know when Supply would come on; but, on the other hand, it would be an inconvenience to many to lose the opportunity of bringing forward subjects of great interest to themselves and great importance to the country. Now, the Motion before the House seemed to him to have been formed by persons who looked at the subject from only one point of view. Those who were responsible for the carrying on of the business of the country were apt to look only at the inconvenience of Supply being postponed, while those who called themselves *par excellence* independent Members, among whom he might instance his hon. Friend the Member for Whitehaven (Mr. C. Bentinck), looked at the question in an entirely different aspect. For his own part, he thought the difficulty of getting the Votes in Supply had materially increased under the conduct of the present Government. He did not recollect that there had been such a deadlock of business under any previous Administration. Of course it might be said that the Conservative Governments had under different circumstances conducted their business, and had not brought forward any great measures; but there was a great measure passed through the House when he held the office of Secretary to the Treasury, and he must say he had not at that time found any difficulty in getting the necessary Votes in Supply. It should not, however, be forgotten that under the late Government the Financial Secretary to the Treasury had the charge of the Public Business, while under the present Ministry it was committed to the hands of the Political Secretary. When the former had the control of the Business Paper, it was arranged with a view to the necessary business; while, in the case of the latter, attention was paid chiefly to what was sensational and popular. The consequence was, that at no period he believed had Votes in Supply been pushed forward to so late a period in the Session as during the last two

years—a state of things which the Government, of course, attributed to the Rules of the House. He wanted to know what, practically, the Resolution would do? It proposed that the Government should have every Monday during the Session for Supply, with this exception—that, on first going into Committee on the Army, Navy, or Civil Service Estimates respectively, an Amendment might be moved relating to the division of the Estimates proposed to be considered on that day. What would be the effect of such a regulation? The right hon. Gentleman the Chancellor of the Exchequer had referred to the historical commencement of the doctrine that the Grievance came before Supply, and said that state of things had passed away when a Sovereign on getting his Supplies voted would let his subjects' Grievances go unredressed. No doubt that was true with regard to the Sovereign personally, but it was not true with regard to those who exercised power in the Sovereign's name. He did not mean to suppose that hon. and right hon. Gentlemen now on the Treasury Bench would endeavour to manipulate matters so as to defeat the wish of independent Members to bring certain matters before the House; but he would assume that there might be an unscrupulous set of men occupying the Treasury Bench, and on the first Monday, when the Navy Estimates were placed on the Paper, some Friend of the unscrupulous Government might be put forward to make a Motion. In that case the Government would be able on any future Monday to go into Committee on the Navy Estimates without discussion, and the whole Supply for the Navy might be obtained without an opportunity being given to any hon. Member to challenge the policy of the naval administration of the Government. The same course might be pursued with respect to the Army Estimates, and the other Estimates might be postponed until the end of the Session, when the attendance of hon. Members would be small. It would be a very serious matter if, by any alteration of the Rules of the House, they left it in the power of any future Government to perform such manœuvres as that. Such a power would place a great temptation in the way of a Government anxious for popularity to take large Votes on particular nights, and then postpone the remainder of Supply until

they had had an opportunity of retrieving some of the blunders into which they might previously have fallen. No doubt something should be done to get rid of the present difficulty, but it should be done without giving up the privileges of independent Members to the extent now proposed. If this Motion were agreed to, he did not think they would ever have any other Supply night than Monday, and whatever Government was in power, would become very much more independent of Parliament than was the case at present. It had occurred to him that something might be done in the way of compromise to relieve the House from the difficulty in which it now found itself, without interfering too much with the privileges of independent Members. He thought, when the Speaker left the Chair on a Monday, and the House resolved into Committee of Supply, that then on Supply nights for the rest of the same week, the Government might be allowed to go into Committee without debate. [“No, no!”] That was a proposition which might be discussed, and which, in his opinion, would effect, to a great extent, the object which the Government had in view, and would not be open to such serious objections as their proposal. He had put down on the Paper of the House another suggestion, which he should like to refer to, and which was to the effect that Friday should be a Motion night instead of an Order night, and that, on speaking to a Motion on Friday, each hon. Member should be limited to 20 minutes. It was his notion that there were a great many questions which hon. Members wished to bring forward without desiring to speak long; and, if one night were devoted to short speeches upon these minor topics, a great many questions would be disposed of, and the “Notice Paper” on other nights would, to a great extent be cleared. Hon. Members who wished to bring forward questions would then have the chance of two nights—namely, Tuesday, when he did not propose that there should be any limit with respect to time, as there were occasions when speeches should not be curtailed; and Friday, when hon. Members would have the opportunity of bringing forward minor questions. If this proposition were adopted, he did not think that they would often have the House counted out on Friday, because many

independent Members, anxious to make short speeches, would then be present. The objection to placing Supply as the first Order on Friday now was, that it was a mere sham, and, if an Amendment to Supply was negatived, then no other Amendment could be moved, and hon. Members consequently lost the opportunity of bringing forward their Motions. If the arrangement he had suggested were found by experience not to answer, nothing would be more easy than to put an end to it. With regard to the Amendment for the appointment of a Select Committee to consider the best means of facilitating the despatch of Public Business, he confessed he was at first not favourable to such a course; but the Government itself had now four propositions upon the Paper in addition to those first made, and as the original proposition of the Government had been departed from, it was not surprising that many hon. Members of experience had suggested other courses. Consequently much difference of opinion existed upon the subject, and, perhaps, the best course would be for the Government to revert to their original intention.

MR. DODSON said, that whatever the House might do with regard to the proposal of the right hon. Gentleman who had just sat down (Mr. Hunt), he presumed it would not be the wish of the House to refer to the proposed Select Committee the Resolutions standing in the name of the Chancellor of the Exchequer, which had been framed upon the basis of recommendations made by last year’s Committee. If the Amendment of the hon. Baronet (Sir Henry Selwin-Ibbetson) were adopted, the Committee would have a most difficult task to perform in searching through the numerous Reports of previous Committees, even through those of Committees which had sat during the last quarter of a century only. For his part, though not present on the Committee last year, he was now prepared to vote for the proposition of the Chancellor of the Exchequer, because it would tend to the removal of one of three great evils. The first evil was the great multiplicity of business; the second was the undue length to which the debates extended; the third and greatest was the uncertainty when any particular business would come on. In mitigation of the first, he hoped the House would relieve

itself of inquiries which in character were too minute for it to deal with as a whole satisfactorily. For the second there was no remedy but a gag-law, which they were not likely to adopt. As regards the third, it was a matter of regret and of reproach that the machinery of the House was so incredibly cumbrous that it was almost impossible to say with any degree of certainty whether a matter appointed for a certain day would come on for discussion upon that day; and that was so even with regard to the first Order of the Day. The proposition made on the part of the Government removed this defect to some extent; he, therefore, supported it. It had been objected by the right hon. Gentleman (Mr. Hunt), that if the proposal were adopted the opportunity of challenging the naval policy of the Government would be lost after the first night; but he (Mr. Dodson) reminded the House that the proper time to challenge the naval policy of the Government was upon the first Vote in Supply on the Naval Estimates. While the Speaker remained in the Chair hon. Members would be hampered in discussing the naval administration of the Government, because they could not refer to the Votes without anticipating the business of the Committee.

MR. HUNT asked how the naval policy of the Government could be challenged in Committee of Supply?

MR. DODSON replied, that that could be done in the most effectual manner by refusing the grant, and maintained that if the Estimates were dealt with earlier in the Session, in a more systematic manner, there would be fewer votes on account—a vicious system, which frittered away the responsibility of the Government, and weakened the control of the House over the Estimates. The objection that the proposal would curtail the rights of private Members was untenable; it would, in fact, facilitate their criticisms and amendments of the Estimates, by providing that the business of the Committee of Supply should come on upon the evening devoted to Supply. He did not think Government would be much the gainers by the proposal, because greater certainty would exist as to when Supply would be taken; hon. Members would be in their places, and the Estimates would be more particularly overhauled.

But if it were agreed to give Monday to the Government for Supply, he was inclined to favour the proposition made by the right hon. Gentleman, that Friday should be given up wholly to private Members. It was a modern exaggeration of the constitutional principle that Grievance should precede Supply, to claim that privilege for every expression of opinion on any subject whatever. In these times especially, the House always had it in its power to stop Supply at any time by refusing to grant a Vote.

MR. SPENCER WALPOLE thought the last two speeches sufficiently proved the necessity of a Committee of Inquiry. Both his hon. Friend opposite (Mr. Dodson) and the right hon. Member for North Northamptonshire (Mr. Hunt) were men to whom the House would naturally defer, and both of them had shown that the question could be but imperfectly considered now—that the Resolution, as it stood, would require amendment, and that many other points deserved attention. The two questions which the House had to resolve were—should they go into Committee on the whole subject? or should they determine the specific question submitted by the right hon. Gentleman the Chancellor of the Exchequer? With reference to the first of these, the hon. Gentleman who had just sat down (Mr. Dodson) had put the question fairly on the ground that, in his opinion, certainty in the debates would be procured, and certainty as to the time when the debates might come on. The right hon. Gentleman the Chancellor of the Exchequer had urged that by the alteration he proposed the House would not be debarred from questioning the conduct of the Government in any matter, and the hon. Member for Warrington (Mr. Rylands) had denied that any inconvenience would arise, on the ground that any great question could always be raised by arrangement between both sides of the House. Anybody, however, who looked into the history of the House of Commons would see that its control over the Executive depended on its ability to question their conduct in any matter before going into Committee of Supply. To deprive it of that power would be to deprive it of the power which had made the House what it was, and which must keep it what it was, if the essentials of representative Government—public opinion, a respon-

sible Executive, and Parliamentary control—were to be preserved. The right hon. Gentleman the Chancellor of the Exchequer had remarked that this privilege was never dreamed of till 1811, and never constantly exercised till much later; but his right hon. Friend (Mr. Hunt) had shown the fallacy of his argument, for he had pointed out that at the periods referred to the House wielded the fullest power over the Government in the shape of Motions of which sudden Notice was given, and debates on Petitions. Indeed, some of the best constitutional debates occurred on the presentation of Petitions. The power of debating on Petitions, and the power of giving rapid Notice of Motions, which could be brought on without any favour from the Government, however, had been taken away, leaving Motions on going into Committee of Supply as the last power possessed by the House of Commons of questioning the conduct of the Government whenever it pleased. The arrangements by which, through the courtesy of hon. Members on both sides, there was the opportunity of questioning any great alleged misconduct on the part of the Government were, no doubt, admirable; but there were many smaller questions, grievances perhaps, suffered by a section of the people, to which those arrangements did not extend, and he hoped there was sufficient independence in the House to say that they would not accept as a favour from the Government what they had a right to demand. His hon. Friend opposite (Mr. Dodson), however, had employed a very telling argument in urging the value of certainty. While, however, this Resolution would secure certainty as to Supply, it must be remembered that the present practice gave equal certainty with regard to the Motions preceding Supply, for, by the existing arrangements, Notices were given to the Government of the questions they were required to answer. All of them, of course, could not come on at the same time, any more than all the Orders of the Day on a Wednesday; but there was certainty as to the order in which they would come on. He questioned, moreover, the advantage urged by the right hon. Gentleman the Chancellor of the Exchequer as accruing from getting into Committee at an earlier hour, for the House generally got into Committee by 8 or 9 o'clock, or a little

later, giving ample opportunity of discussing the Estimates, and giving the opportunity of previously discussing other questions. He thought, therefore, it would be a great misfortune to adopt the Resolution. As to appointing a Committee, the Government, in his opinion, were right in their original proposal to appoint a Committee. Some of the recommendations of last year's Committee the Government had taken up, while others they left in abeyance. Now, had they intended to refer to a Committee those subjects only which were inquired into last year, the argument of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) and the right hon. Member for Kilmarnock (Mr. Bouverie), that this would be disrespectful to last year's Committee, and a mere postponement of important questions, was unanswerable. But how did the matter now stand? Eighteen distinct propositions had been made in that House, many of which were not discussed by that Committee. Would it be well to discuss all these on the floor of the House, with Amendment upon Amendment? The question surely ought not to be dealt with in a fragmentary manner, and it ought not to be dealt with at all—a point urged by every Committee which had sat on the subject as of primary importance—unless there was a very general concurrence on the part of the House. He believed Public Business would be better facilitated by referring Bills to a Select Committee, and on their coming back to the House debating only questions which hon. Members intended to raise, instead of going through them clause by clause. By that and other means, business might be materially expedited. In default of a very general concurrence in these Resolutions, what would happen? Every kind of evasion was a word the Government did not like—[An Hon. MEMBER: Device.]—he did not like to say device; but every plan would be resorted to for getting out of the strict Rules which were to be laid down. This would not conduce to the transaction of business, or to its order and regularity. He would advise the Government to refer the whole subject to another Committee, in which case he would recommend—without intending any reflection on last year's Committee for the omission—that they should report their rea-

Mr. Spencer Walpole

sons together with their recommendations. He hoped the Chancellor of the Exchequer would not put the House to the trouble of dividing upon so important a question, for all of them had the same object in view, and they differed only as to the means of effecting it.

VISCOUNT BURY said, he had listened with extreme satisfaction to the speech of the right hon. Gentleman who had just sat down (Mr. S. Walpole), and he had been waiting for an opportunity of putting forward precisely the same line of argument. The hon. Member for Warrington (Mr. Rylands) and the Chairman of Ways and Means (Mr. Dodson) were the only two hon. Members who addressed the House in favour of the Resolutions of the right hon. Gentleman the Chancellor of the Exchequer. At the commencement of the evening, the right hon. Gentleman told the House, with much frankness and *bonhomie*, that his object and the object of the House were identical, and that he did not wish to force any of his Resolutions on an unwilling House, and he accordingly withdrew his 1st Resolution, on which there was not a general concurrence of opinion. On reflection, he thought the right hon. Gentleman would perceive that the Resolution now under consideration was equally distasteful to the House. He was not one of those who had joined in the ironical cheer that was raised when the 1st Resolution was withdrawn; he believed the right hon. Gentleman had shown a wise discretion in doing so, and he hoped he would act with equal prudence in referring the whole matter to a Select Committee. His objection to the Resolutions proposed by the right hon. Gentleman was that they were of too eclectic a character. Several of the proposals contained in last year's Report he had included in his Resolutions, but many of a most valuable kind he had altogether omitted. For instance, the suggestions made by their Chief Clerk at the Table—the greatest authority upon Parliamentary law that the House contained—were altogether omitted from the Resolutions. The House was compelled to discuss these proposals of the Government one by one, and several hon. Gentlemen had been called to Order for referring to Resolutions other than the one immediately before the House. But they were engaged virtually in framing a new set of Standing Orders,

and how was it possible to discuss these satisfactorily, or to discover their full bearing and significance, except by considering them in connection with each other? There were, moreover, the 18 separate propositions of hon. Members which ought to be viewed in connection with the Government proposals; but, unless they were all referred to a Select Committee, how was it possible that a connected view of the subject could be taken? It was necessary that the House should keep a firm check upon whatever Government might be in power, and experience had fully shown that the ingenuity of hon. Members had never failed in adopting plans for that end; and if the opportunity at present existing of raising debates on going into Committee of Supply were taken away, no doubt some other method would be discovered; but he very much doubted whether it would be a course attended with more convenience for the despatch of Public Business than that which at present existed. In former times the duty of the rank and file was confined to making a House and cheering the Minister, but under the modern system, hon. Members returned by large and important constituencies were expected to represent and give utterance in debate to the sentiments of those by whom they were elected. If the right hon. Gentleman would consent to take this Resolution by itself, and refer the others to a Select Committee, he should be willing to support that proposition; otherwise he must vote against the Motion.

MR. SCLATER-BOOTH said, that if any Resolutions were referred to a Committee the whole subject ought to be referred. There could be no doubt that if the Committee of last year had enjoyed the advantage of hearing this debate, they would have arrived at more practical conclusions. The argument of the Chairman of Committees went further than the hon. Gentleman himself had probably intended, for it pointed to the entire abolition of Motions on going into Committee of Supply—a course to which he, for one, could never give his consent. The Motion of which he himself had given Notice showed that he was not unwilling to increase the facilities for the despatch of Government Business. But the plan suggested by the Government amounted to this—that there was to be a real Supply night on Mondays,

and a mock Supply night on Fridays, so that during the week there would be no opportunity whatever of discussing questions in which the liberty and freedom of the House were closely involved. If it were possible to run through the Votes in Supply at so early a period of the Session as to render it unnecessary for Votes on Account to be taken, the Business of the House would be entirely at the mercy of the Government during the summer months. He was unable to agree to the Resolution of the Chancellor of the Exchequer, because its effect would be to prevent independent Members from bringing forward important questions on the Motion for going into Committee of Supply.

MR. BOUVERIE said, the evening's discussion showed how useless it would be to adopt the Amendment proposed by the hon. Baronet the Member for West Essex (Sir Henry Selwin-Ibbetson). The evening had been occupied by the discussion of two Resolutions which were carefully considered by the Committee of last Session, a circumstance conclusively proving that the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) was quite right when he said the other night, that it was useless to refer to a Committee questions which were sure to be afterwards re-opened in the House, because every hon. Member deemed himself as competent as the Members of the Committee to discuss them. If the weight of authority were taken into account, the House must agree to the proposal of the right hon. Gentleman the Chancellor of the Exchequer. Most of the Members of weight on the Committee—13 to 5, he believed, including the right hon. Gentleman the Member for Buckinghamshire, and his right hon. Friend near him (Sir George Grey)—were in favour of it. Therefore, if weight of authority were to prevail, the decision of that Committee ought to bind the House, and he might remind hon. Members that they could not get authority of greater weight if they were to refer the matter back to the consideration of another Committee. His right hon. Friend the Member for the University of Cambridge (Mr. S. Walpole) seemed to suppose that the proposal of the Government was to rob independent Members of every opportunity of bringing questions before the House. This, however, was by no means the case.

Mr. Slater-Booth

The House usually met on five days in the week. By the Standing Orders Tuesdays, Wednesdays, and Fridays were practically appropriated to independent Members. Wednesday was set apart for Orders of the Day, so he would leave that day out of consideration on the present occasion. Tuesday was an open day for hon. Members to get precedence for their Motions by Ballot at the Table, and on Friday nights they could bring forward their grievances on the Motion for going into Supply. Now, the responsibility of passing the Estimates and of introducing and passing the principal measures of the Session rested on the Government, for everybody must be aware that it was almost impossible for a private Member to pass an important Bill. Consequently, the House gives the Government Monday and Thursday for the transaction of their business. One of the main portions of the business of the Government was Supply, and while on the one hand hon. Members said to the Government—"You shall have Monday for the transaction of your business," on the other hand they said—"You shall not have Monday for the transaction of one of the principal portions of your business, because on that day we will bring forward Motions on going into Committee of Supply, and thus give you every inducement to postpone the Estimates as late a period of the Session as possible." That was the natural result, for, of course, the Government would, wherever it was practicable, put down on the Paper, instead of Supply, some other Order in regard to which they had the absolute right of precedence. He besought the House to regard the question as a practical matter of common sense and business. For the due despatch of business, it was highly desirable to have a settled time for the discussion of it; and yet according to the existing practice and arrangements, it was impossible to say when this most important business of voting Supplies would come on for discussion. He therefore entreated the House to pause before rejecting this proposal of the Government, which had received the support of a large majority of the Committee of last year, and which, if adopted, would greatly facilitate the conduct of the Business of the House.

MR. ANDERSON remarked that five hours had been already occupied in dis-

cussing the first two Resolutions, and there were many others awaiting discussion. He should be sorry to waste the time which had been devoted to this 2nd Resolution, but after a decision upon it had been arrived at, he trusted the other Resolutions would be submitted to the consideration of a Select Committee. If another Committee were appointed, it ought to be differently constituted from the last, which specially represented the old opinion of the House; some of the younger Members ought to be a fresh Committee.

MR. HENLEY said, he did not think any sufficient ground had been alleged for doing away with the undoubted and valuable privilege which hon. Members had so long possessed. The only use of the Resolution was to indicate the will of a Liberal Government to muzzle the House of Commons. It would not help on business, save time, or facilitate the getting of money; it was against the law of nature; for it was as true in public as in private life that, if you wanted to get money, you must hear what people had to say; and the operation of the proposed Rule would make it worse to get money than it was at present. The Speaker might be moved out of the Chair, and then, if any hon. Member wished to bring forward a grievance, all he had to do was to move that the Chairman report Progress, with the disadvantage that the hon. Member would do without Notice that which he now did with Notice. Then others would find that they had grievances, and that they, too, could move to report Progress. The Resolution only said that Motions were not to be made on going into Committee of Supply; but it did not say that when the House was once in Committee of Supply, it was to go on in Committee for as many hours as the Government pleased. Did the Government mean that? That was what it must come to, if the Resolutions were to have the effect desired. He supposed it was not meant that the Committee should be precluded from moving the Chairman out of the Chair? It was well that the House should have a clear indication of what was meant by a Liberal Government; and, at present, hon. Members were groping in the dark. He did not think these things had received the consideration they deserved.

MR. ALDERMAN LUSK said, they ought to discuss the transaction of the Business

of the House, and not say so much about the Government. That ought not to be made a party question. He thought it necessary that greater facilities should be given for discussing the Estimates, and therefore he thought the proposal of the Government was reasonable, and it ought to be entertained, in consideration for those Members who took an interest in financial questions. Those who did not, ought not to place others in an awkward position.

MR. NEWDEGATE wished to ask the House to consider what it was that had brought them to their present position. The House now discussed matters of minor importance, which formerly would have been deemed unworthy of its attention. That originated, in great measure, from the evil habit of excessive questioning, chiefly on matters of administrative detail. He (Mr. Newdegate) had been often ashamed to see the list of Questions printed upon the Notice Paper. The House had no opportunity of expressing any opinion upon the propriety of any of these Questions, or upon the Answers given to them, and yet these Questions appeared to be asked with the sanction of the House. That system diminished the responsibility of Government, and constantly suggested topics for Motions, and speeches calling attention to them. The result was confusion between the legislative and administrative functions of the House and of the Government. He was a Member of the Committee of 1861, which, with the view of preventing the abuse, recommended that Questions should be limited to one night in the week. They ought to judge the Government by results—not by endeavouring to interfere with their functions. Why were they asked to sacrifice the privileges of the House? Because the Government, having carried several great measures in the two first Sessions of the present Parliament, proposed to go on effecting immense changes, until the country became alarmed at the progress they were making, thinking it would end in a revolution. It was to facilitate that course of proceeding, that the House was asked to sacrifice its privileges. What was the state of the Order Book last Session? The average number of Orders of the Day on Mondays in February was $9\frac{1}{2}$; in March, $11\frac{1}{2}$; in April, $15\frac{1}{2}$; in May, 20; in June, 33; in July, 38; and in August, 35. On

several occasions there were more than 40 Orders of the Day. How came that accumulation of business? Because it seemed to be the determination of the Government not to allow the House of Lords its due share of legislative action. According to a Return of the House of Lords, the number of Lords' Bills received in the House of Commons during the Session was 36. The number of Lords' Bills read a third time in the House of Commons, during the months of February, March, April, and May—2. Ditto, read a third time in the House of Commons, June, July, and August—28. Number of Bills, total—36. Number of Bills withdrawn—3; ditto, "committed for this day six months"—1; ditto, "ordered to be discharged"—2; total—36. Number of Commons' Bills received in the House of Lords during the Session—82. The number of Commons' Bills read a third time in the House of Lords, during the months of February, March, April, and May—19; ditto, read a third time in the House of Lords, in June, July, and August—59; the number of Bills rejected—2; ditto, Order for Committee discharged—1; ditto, put off *sine die*—1; total—82. It was manifest that the House of Commons neglected not only the Estimates, but for some reason they failed to legislate at any reasonable pace during the four first months; and then, in the later months of the Session, they crowded their own Table and the House of Lords with such an amount of business that it resulted in confusion. That was the origin of the evil; and the Resolutions, of which he had given Notice, were intended to meet that state of things, and to ensure that certainty in the transaction of business which the Chairman of Committees had stated, and truly stated, to be essential. The tendency of his proposals was this—to invite the Government to introduce more of their legislation in the House of Lords, and thus to relieve them from the mass of business with which it was the pleasure of Her Majesty's Ministers to encumber them.

MR. COLLINS thought it would stultify the House to send these Resolutions to another Committee. He did not think the Government were altogether free from blame. The right hon. Gentleman the Chancellor of the Exchequer had not brought forward the only Resolution which had passed the Committee unani-

mously—namely, that Opposed Business should not be taken after half-past 12 o'clock. The right hon. Gentleman brought forward only proposals which appeared to favour the progress of Government Business, and studiously ignored everything that favoured the rights of private Members. What was the use of another Committee, when the only Resolution passed unanimously had been ignored by the Chancellor of the Exchequer? If there was to be another Committee, there must be a new set of Resolutions referred to it; but that would be only a decent way of burying the matter. The fact was, that the House had, to a great extent, changed its mind on that subject since last year; and the best course would be to drop that debate altogether, and let them hear no more, either of the Resolutions or the Amendment.

THE CHANCELLOR OF THE EXCHEQUER said, the question before them was two-fold—First, should they send that Resolution and the other Resolutions on the Paper to a Committee; and, next, if they decided not to do that, should they pass the Resolution? Although he could not agree with all that the hon. Member for Boston (Mr. Collins) had said, he certainly agreed that there would not be much wisdom in sending that Resolution to a Committee. In the first place, the claim had been made to them, and it was admitted in the face of the House that it would not be fair or respectful to the Committee to send their work to be done over again. If the House expected to be well served by Committees, it would never think of treating them with any disrespect. But even if they were to have another Committee, where were they to get one that would carry greater weight than the Committee of last year? The proposal now before the House had the full approval of the Speaker and of the able and experienced Clerk at the Table, and was supported by Mr. Disraeli, Sir George Grey, Colonel Wilson-Patten, Mr. Bouvierie, Mr. Clay, Mr. Goldney, Sir John Pakington, and Mr. White. All that a Committee could do on a matter of that kind was not to dictate opinions to hon. Gentlemen, but to supply the element of authority in reference to it; and they would seek in vain, he thought, for another Committee which would supply that element to a greater

Mr. Newdegate

extent. The next Resolution was intended entirely for the relief of independent Members by preventing the House from being counted out at 9 o'clock, and it was also, he believed, carried unanimously by the Committee of last year. As far as the other Resolutions before the House went, if the House thought it desirable to send them to a Committee, and could find a Committee willing to undertake the trouble of investigating them, with the certainty that when it had made its Report it would be set aside, perhaps it was not for him to offer any objection. With regard, however, to the main question, which had already been exhaustively argued, he begged the House not to be led away by the sort of declamation with which it had been treated. Gentlemen talked about its being the main business and duty of the House to check and control the Government, to cross-examine them, and have an opportunity of bringing grievances forward; but they must know as well as he did that they were using the language of a past age, and applying it to a state of things that no longer existed. There was a time, no doubt, when it was the business of the House of Commons to curb the encroachments of the Crown. And when, after the Revolution, that ceased to be necessary, there was another time when it became the business of the House to look narrowly into the acts of corrupt Ministers. But nobody, he apprehended, surmised that those were now really the leading functions of the House of Commons. The House had many functions, perhaps, of a higher, but still of a different kind. Its work was now to be tried by modern standards, and by that test to which the hon. Member for North Warwickshire (Mr. Newdegate) had referred—the test of results. The nation expected the House to look after the public finances and keep the expenditure within bounds; it expected the House, which had gathered to itself almost all power in the country, to exercise that power for the good of the country, and that not merely by cross-examining and tormenting Ministers, but by passing the laws which public opinion and the exigencies of the present times imperatively demanded. Those were the duties which the country expected from the House of Commons. They were blind guides who told them that they fulfilled their duty by merely

talking about things, and making "sham" inquiries about little matters of administration, while neglecting the weightier matters of the law—the control of the finances and legislation. Let them then not be deceived by obsolete words and fine phrases. They threw on the Government the whole of their legislation and the whole of their finance, and allotted to them only two-fifths of the available time. Hon. Gentlemen talked about Government nights, but the first hour of those nights was often taken away from them by Questions. Again, a whole night or more nights were given to any hon. Gentleman who wished to censure the Government; and if there was a heavy piece of Private Business to be discussed, it was always put down for a Government night, because there was then a good attendance. That went on, perhaps, for two or three months pretty well, but at last a block arose, and things became quite intolerable. If they chose to be blind to that state of things, the country and their constituents would not be blind to it. The country knew that it must proceed and did proceed from the faulty organization and distribution of their labours. The first condition of doing business satisfactorily was, that they should really know what business they were going to do, and that hon. Members on coming down to the House should know they were coming down to do a particular thing, and not something else and quite different. It could not be maintained that hon. Gentlemen had not ample opportunity for discussion and examination. They had two-fifths of the time of the House to do what they liked in, and another fifth for the purposes of legislation. Considering that all the business of legislation was done by the Government—["No!"]—or almost all, he asked whether it was a reasonable or a defensible division of time that had been adopted, and whether it was not desirable that they should hit upon some means of alleviating rather than to go on aggravating the pressure. He was not saying that on behalf of the Government, but on account of the House itself, whose character, whose usefulness, whose standing in the civilized world were involved in the fact that it should, in addition to all its other great qualities and gifts, show that it possessed that most necessary quality—namely, the power of transacting its own business in a

the amendment of the Rules of the House. Much time might be saved if the House would return to old-fashioned tables and would not lose two hours and a half every evening in dining.

Journal of the American Mathematical Society, Volume 1, Number 1, January 1988, pp. 1–100.

"Let a motion and Question proposed,
that the Debate be now adjourned."

10. The following table shows the number of hours worked by each employee.

vernment in the matter as an attempt to muzzle the House of Commons. The Resolution was recommended by a Committee, and had been so far modified by the Government as to render it more acceptable to the general body of hon. Members. It was, of course, open to anyone who pleased to do so, to speak of the obstruction in the course of business as being due to the incompetency of the Ministry. That was a mode of dealing with the question which might be satisfactory to some; but the Government had done their best, and he regretted they were not more equal to the task which they had to perform, or that the House did not find itself in a position to secure the services of better men. But it was not necessary to bandy accusations of that kind. There was in the matter a difficulty which lay much deeper. The demand for legislation in the country had multiplied of late years not only with reference to moral, but social questions in a way which had added enormously to the burdens of the House. Again, the Government could surely have no evil motive in endeavouring to give effect to the Resolution of the Committee. If the Government succeeded in passing the Resolution, it was impossible that more than four or five nights could be added to the time at their disposal. But what was the difference which would be made in the case of the House? Why, a number of hon. Members who were kept constantly in suspense as to the time when Supply would come on, would be in a position to discharge their legitimate duty of checking expenditure without exercising all that vigilance and patience which was now required at their hands. Then on Friday in every week it would be open to any hon. Member to bring forward grievances on the question of going into Supply—[Mr. R. N. FOWLER: If there is not a count out.]—the hon. Gentleman should not have made that observation, for he knew that it was the Government which endeavoured to prevent a count out of the House. But be that as it might, on Tuesdays hon. Members could bring forward their Motions without any restraint from the Government. The Government had been invited to withdraw the Resolution, but they could not withdraw it in justice to the large majority of the Committee, while considerable dissatisfaction would be occasioned out-

of-doors, where a widespread opinion already prevailed, that, whether owing to the vastness of the work or the defectiveness of the arrangements for the conduct of business, the House did not efficiently discharge its obligations to the country. Altogether independent of party, the present proposal was made with the view of rendering the performance of those obligations more satisfactory.

MR. GOLDNEY thought that as private Members would have an opportunity of bringing forward their propositions on Tuesday, Wednesday, and Friday, considering the great increase in late years in the Business of the House, it was a very reasonable proposition on the part of the Government that on Monday, Supply should be the first Order of the Day, and that on that day private Members should be restrained from bringing forward measures which would prevent that business going forward. The Estimates now voted were nearly double what they used to be, and he knew of no greater grievance than excessive Estimates.

COLONEL BARTTELOT observed that the right hon. Gentleman at the head of the Government had informed the House that the Resolution now proposed by the Government was adopted by a majority of the Committee. In that case he wished to know why the right hon. Gentleman did not propose the other propositions which were adopted by a majority of the Committee? It was drawing an invidious distinction between them, and afforded no ground whatever for adopting it by itself. He thought the right hon. Gentleman had selected the proposition simply because it suited himself and the Government. If the House accepted the Resolution, no other amendment would be made in the transaction of the Business of the House.

Question put, and negatived.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Amendment, by leave, withdrawn.

SIR HENRY SELWIN-IBBETSON, having withdrawn his Amendment, proposed the following Amendment in lieu thereof:—

"That a Select Committee be appointed to consider the Public Business of this House, and

that the Reports and Evidence of the last three Committees on this subject be referred to it."

Amendment proposed,

To leave out from the word "That" to the end of the Question in order to add the words "A Select Committee be appointed to consider the Public Business of this House, and that the Reports and Evidence of the last three Committees on this subject be referred to it."

instead thereof.

Question put. "That the words proposed to be left out stand part of the Question."

The House divided. Ayes 152, Nays 102, Abstentions 82.

Mr. M'CARTHY suggested the omission from the Resolution of the word "and" in the second sentence preceding the final proposition, "to consider whether any

Amendment pass."

The House divided. Ayes 152, Nays 102, Abstentions 82.

After the division notice has been given the House voted to resolve in Committee of Supply on the Committee standing at the first sitting of the House to direct the Chairman and Clerk to call a Select Committee to inquire into the subject of the Amalgamation of Railway Companies, with special reference to the Bills for that purpose now before Parliament, and to consider whether any such legislation should be imposed by Parliament in the event of such Amalgamations being effected; to meet the Committee appointed by the Chairman at Three o'clock upon Friday next.

Mr. M'CARTHY moved to amend the Resolution by striking out the word "and" in the second sentence preceding the final proposition, "to consider whether any

Amendment pass," and substituting therefor

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bers of the said Committee:—Motion made, and Question, "That Lord ERNST CRON be one other Member of the said Committee," put, and agreed to.

RAILWAY COMPANIES AMALGAMATION.

Message from *The Lords*.—That they have appointed a Committee, consisting of Six Lords, to join with a Committee of the Commons [pursuant to Message of this House], "to inquire into the subject of the Amalgamation of Railway Companies, with special reference to the Bills for that purpose now before Parliament, and to consider whether any and what Regulations should be imposed by Parliament in the event of such Amalgamations being sanctioned," and *The Lords* propose that the said Joint Committee do meet in Room F at Three o'clock upon Friday next.

Desired That the Select Committee appointed to this House to join with a Committee of The Lords "to inquire into the subject of the Amalgamation of Railway Companies, with special reference to the Bills for that purpose now before Parliament, and to consider whether any and what Regulations should be imposed by Parliament in the event of such Amalgamations being sanctioned," do meet. The lords Committee is fixed for Three o'clock upon Friday next.

Message to *The Lords* to acquaint their Lordships that this House has directed the Committee appointed to them to join with the Select Committee to "to inquire into the subject of the Amalgamation of Railway Companies, with special reference to the Bills for that purpose now before Parliament, and to consider whether any and what Regulations should be imposed by Parliament in the event of such Amalgamations being sanctioned," to meet. The lords Committee is fixed for Three o'clock upon Friday next.

Desired That the said Select Committee have power to appoint a Chairman and Vice-Chairman.

AMERICAN CONTINENT.

Committee to deliberate "in private into which the American Continent may be divided."—Mr. WIGGINS.

Desired that the Committee appointed to "to inquire into the subject of the American Continent" be composed of Mr. ROBERTSON, Mr. WIGGINS, Mr. WYATT, Mr. BRADDOCK, Mr. COOPER, Mr. HARRIS, Mr. HENRY, Mr. JONES, Mr. LEE, Mr. PELLETIER, Mr. PITT, Mr. RICHARDSON, Mr. SMITH, Mr. TOWNSEND, Mr. TURNER, Mr. VANCE, Mr. WIGGINS, Mr. WILSON, Mr. WOODWARD, Mr. YOUNG, and Mr. ZEPHANE.

Desired that the Committee, that they do inquire into the subject under what circumstances the American Continent may be divided, "in private into which the American Continent may be divided."

Desired that the Committee, that they do inquire into the subject under what circumstances the American Continent may be divided, "in private into which the American Continent may be divided."

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HOUSE OF COMMONS,

Wednesday, 28th February, 1872.

MINUTES.]—SELECT COMMITTEE—Turnpike Acts Continuance, nominated.
 PUBLIC BILLS—Ordered—First Reading—Proportional Representation* [67]; Sale of Liquors on Sunday (Ireland)* [68]; Epping Forest* [71]; Evidence Law Amendment* [80]; Tithe Rent-charge (Ireland)* [70].
 Second Reading—Salmon Fisheries [5], put off; Salmon Fisheries (No. 2) [10]; Local Legislation (Ireland) (No. 2) [27], deferred.
 Committee—Report—Considered as amended—
 Third Reading—Marriges (Society of Friends) (re-comm.)* [33], and passed.

SALMON FISHERIES BILL—[BILL 5.]
(Mr. Dodds, Lord Kensington, Mr. Pease.)

SECOND READING.

Order for Second Reading read.

MR. DODDS, in moving that the Bill be now read the second time, said, he felt himself placed in considerable embarrassment, in consequence of the opposition with which his Bill was threatened from two distinct quarters. The hon. Member for Radnorshire (Mr. Walsh) had given Notice that he would move that the measure be read the second time that day six months; while the hon. Member for Swansea (Mr. Dillwyn) had brought in what he presumed he must designate a rival Bill. He thought those whose interests were represented by the latter hon. Gentleman might have accomplished what they desired by introducing Amendments into the present Bill, and thus have rendered it unnecessary for the House to consider two separate Bills. It would be in the recollection of the House that the measure on this subject, brought in by himself last year, received a considerable number of Amendments, and was reprinted; and he had hoped that those Amendments, with others which he was prepared to adopt, would have given satisfaction to all the interests connected with salmon fisheries in this kingdom, and that they would in that way have had a measure which, subject to the discussion of minor details, would have been generally acceptable to all parties. He would beg the indulgence of the House while he attempted briefly to trace the course of recent legislation on the subject. In 1860 a Royal Commission was appointed to inquire into the

state of our salmon fisheries, which was then most deplorable. The Commissioners, men of undoubted confidence and authority, visited and examined almost every principal river in this part of the kingdom, and afterwards made a most elaborate and exhaustive Report. They made a number of recommendations, and among them was this—that all Acts, both public and private, then applicable to the salmon fisheries of England and Wales, should be repealed, and a new and comprehensive measure enacted in their stead. In 1861 an Act was passed; but unfortunately it gave effect only to the first part of that recommendation—namely, the repeal of the existing Acts, 23 of which were entirely swept away, while portions of 10 others shared the same fate. The second part of the recommendation was included in the Bill of 1861 as originally introduced; but the Bill was attenuated and mutilated in the manner he had indicated during its progress through both Houses. Its shortcomings were well known. Even before it received the Royal Assent the general feeling among those interested in these fisheries was, that the measure could be received as only an instalment of what was required, and an agitation was accordingly commenced for its extension. In 1865 another Bill was introduced into that House, and became law. It supplemented the Act of 1861 in three very important particulars—first, by providing for the constitution of Salmon Fishery Boards throughout the country, for the administration of the salmon fishery laws; next, by providing that a duty should be charged upon instruments used in salmon fishing, by which a fund was to be raised which the Act of 1861 failed to establish; and lastly, by providing that special Commissioners should be appointed to inquire into the legality of certain fixed engines, fishing weirs, mill-dams, &c. The result had tended greatly to improve the condition of those fisheries; but experience showed that the present Acts were still insufficient to protect them effectually, and that additional legislation was needed. A good deal of dissatisfaction was occasioned, and in many parts of the country threats to dissolve and discontinue the operation of the Boards unless the law was further improved had been used. In 1869 two separate Bills with that object were

brought into that House, one by the Tyne Salmon Fishery Board, affecting their own river, the other by the then Under Secretary for the Home Department. The latter measure possessed many merits, and some were anxious to see it passed as another instalment; but at the time he himself took a different view, thinking it not so comprehensive a measure as was required for the effectual regulation of these fisheries, and he thought it was desirable to postpone legislation on the subject for one or two Sessions until a more complete Bill could be introduced; but he now doubted whether, in that case, he had not acted somewhat unwise. The Bill of 1869 was withdrawn, and on his (Mr. Dodds') Motion, the whole question was referred to a Select Committee—

"To inquire into the present state of the Laws affecting the Salmon Fisheries of England and Wales, and to report whether any and what amendments are required therein."

The Committee was reappointed in 1870, and in July presented its Report. He had hoped that in the following year the Government would have brought in another measure founded on that Committee's Report; but, their hands being too full, he had taken up the subject himself. Hence his former Bill, and also the present one. The Bill which he had introduced this Session incorporated many of the Amendments which had been suggested last year. Had the rival measure of the hon. Member for Swansea (Mr. Dillwyn) appeared to him likely to be more acceptable than his own, he should have been only too glad to give it his best support, and be relieved from further responsibility; but, unfortunately, their two measures were at variance on some essential points, and that of the hon. Member for Swansea was also at variance with the spirit of the Select Committee's Report, opposed to the requirements of the country, and, he likewise thought, not so well suited to effect their common object as his own Bill, on which therefore he must ask the judgment of the House. He would say emphatically that his Bill, though deviating in some trivial respects from the Report of the Committee, substantially embodied its recommendations. Its three first clauses defined the terms "fishing weirs," "owners," "close season," and "rod and line;" and as to them he thought there would be gene-

ral agreement. The 4th clause would confer on the Secretary of State power to alter and re-combine fishery districts—a power shown by experience in many cases to be absolutely necessary, and expressly recommended by the Report of the Select Committee. The 5th clause was almost consequential upon the one preceding, enabling the Secretary of State, where fishery districts do not exist, to nominate the first Board of Conservators, in order to set the machinery of the law in motion. One of the principal points on which the hon. Member for Swansea and himself were likely to differ was the constitution of the Boards. By the Act of 1865 the justices in quarter sessions were to appoint the Boards of Conservators. In addition to the persons they appointed, there were certain *ex officio* members, who consisted of justices of the peace for any county within the limits of the fishery district, being either owners or occupiers at not less than £100, and having the right to fish in the rivers; and, in addition, persons paying a certain yearly amount of licence duty. He had himself been a member of the Tees Conservancy Board since its formation, and he was bound to say that the present mode of appointing Boards of Conservators was not altogether unsuccessful; but it was one thing to have a Board appointed in that way under the Acts of 1861 and 1865, and a very different thing to leave in the hands of a body so constituted the powers which he and the hon. Member for Swansea proposed to confer on the Boards in future. He would venture to refer to the authorities upon which he had acted in drawing up his proposal for the constitution of the Boards. The Royal Commissioners of 1861 reported that the scheme of local management that they would recommend was that which had been approved by experience in Ireland, and founded on recognized constitutional principles—namely, that of a Board of Conservators to be elected by and to represent the various interests along the whole course of the rivers placed under the management of the Board, including the owners of land, the owners of fisheries, and the fishermen who exercised their calling in tidal and navigable waters. The Select Committee of this House which sat to consider this subject expressed a strong opinion in favour of giving the Boards of Conservators an elective character be-

Mr. Dodds

fore they were entrusted with larger power; and in order to carry out their recommendations he (Mr. Dodds) proposed in his Bill of last year that the Boards should be elected by licence duty and fishery rate payers; but his proposition was not approved by the House, and he had therefore abandoned it. He also proposed last year that one-third of the members should go out every year, and that there should be an annual election; he now, however, proposed that the Secretary of State should nominate the first Board, but that after the expiration of one year, the Board shall be elected for three years. It was to consist of not fewer than six, nor more than 30 members, 12 being suggested as the usual number. The persons qualified to be members were the owners of a several fishery within the district, or persons nominated by such owner, and licence payers. The electors were every person who shall have paid licence duty and fishery-improvement rate during the previous season, and a plurality of votes was given according to the scale of payments. He proposed that the electors paying the licence duty should be divided into two wards, to be called the upper and the lower wards. The former would consist of persons who exercised their calling in the non-tidal waters, the latter of tidal fishermen; each of these were to elect one-third of the members of the Board, the remaining third being elected by the riparian owners of the upper or non-tidal portion of the fishery district. He proposed also to place upon the Board as *ex officio* members riparian owners of five miles of the banks of the rivers or lakes constituting the fishery district, but their number was not to exceed one-sixth of the whole Board. The scheme thus propounded would allow every interest to be fairly represented, while a preponderance of power was given to the non-tidal interest. The representative of the Duke of Beaufort, to whom the larger part of the fisheries in the lower portion of the Wye belonged, had already complained that his Bill gave too much power to those interested in the upper portion of that river. The Bill of the hon. Member for Swansea was most illusory in this respect, and proposed to leave the whole power in the hands of the nominees of the landed proprietors. He had been told by an hon. Member who intended

to contest this measure, that the next portion of his Bill which referred to the mode of conducting elections was impracticable and unworkable. He did not himself know any part of it which would not work; but if any hon. Member would suggest a clause which would meet any such case, he should be most happy to give it his support in Committee. The clauses referring to this subject had been carefully adopted from the clauses in the Local Government Act, which had been found to work smoothly and beneficially in practice, and therefore he could not understand what valid objection could be raised against them. By Clause 21 effect was given to a recommendation of the Committee that power should be given to the Board, with the approval of the Home Office, to vary the licence duties in different parts of a river on a scale graduated according to the value of the fisheries; and by other clauses the Board of Conservators were enabled to raise the licence duties above the maximum fixed by the Act of 1865, and to raise an improvement rate not exceeding 25 per cent. upon the amount of such duties. The Boards would also be allowed to borrow money on mortgage of their improvement rates, to be applied exclusively in facilitating the passage of salmon up the rivers. Clause 27 proposed to confer the power of making by-laws upon the Boards of Conservators in reference to the fence time, the weekly close time, and to the size of the meshes of nets, the prohibition of netting within certain distances of the mouths of rivers, mill gratings, and the mode of fishing for fish other than salmon, which might interfere unnecessarily with the preservation of salmon. The hon. Member for East Cumberland (Mr. W. N. Hodgson) objected to the proposed extension of the powers of the Boards as contained in his Bill of last year; but he (Mr. Dodds) trusted that the amended proposal of the present Bill would meet with the hon. Member's approbation. As to gratings, the Bill provided that they should be so placed as not to injure any mill or inland navigation. If it was thought desirable, there might be power of appeal to the local magistrates, or the Secretary of State; but he did not think any persons would be aggrieved on that head. The hon. Member for Swansea (Mr. Dillwyn) proposed that the Secretary of

State should determine whether a grating should be placed at a mill or not; but this was surely employing a steam hammer to crack a nut. The magistrates would have power to reduce any penalties to one-fourth of the amount, and the by-laws would be subject to the confirmation of the Secretary of State—a point on which he had endeavoured to meet the objections taken last year. The most important part of the Bill related to artificial obstructions to the passage of fish, and the three clauses on this subject would, he believed, effect a greater improvement in the salmon fisheries than all the legislation that had taken place on the subject since 1860. One effect of these obstructions was well known, and had been strongly pointed out by the Royal Commissioners in their Report. They said that of all the evils that affected the fisheries artificial barriers must be regarded as the most pernicious, causing a lamentable destruction of animal life and waste of human food; that the instinct by which these fish were impelled to quit the sea and ascend the rivers to deposit their spawn was one of the most beautiful arrangements of nature; but that it was often effectually thwarted by the contrivances of man, which, if unrestrained, would lead to the extinction of the fish; that the fish crowded together in their vain endeavours, fell an easy prey to poachers and predators; and that this cause alone, in their opinion, would account for the disappearance of salmon in many rivers, and, unless remedied, would lead to the gradual extinction of breeding salmon in the rivers where the obstructions existed. At the Bywell dam, on the Tyne, large numbers of fish used to be seen fruitlessly endeavouring to leap over the barrier; but the owner of the dam, the senior Member for South Northumberland (Mr. Beaumont), had liberally removed it without compensation, and the result had been a marked improvement in the supply of salmon to that fishery. The Dimsdale dam, on the Tees, unfortunately still offered a great impediment to the passage of fish, and hence that river had not been improved nearly so much as it might have been. The Royal Commissioners attribute the diminished value of the salmon fisheries to the weirs, the fixed engines, and to the pollution of rivers; and these removed there was no reason to despair

of the restoration of the salmon fisheries to their original condition. Now, the Bill proposed that the Special Commissioners for English Fisheries might, on the application of the Board of Conservators of any district, hold an inquiry, and if they found that the weir, dam, or other artificial obstruction, was a hindrance to the passage of salmon, might order a fishway to be provided over it at the expense of the owner, the fishway being thereafter kept in repair by the Conservators. The fishway was not to be more than a certain distance below the crest of the weir, and to be so constructed as not to interfere with the head of water above the weir; and experience had shown the feasibility of this. On the River Wharfe, an excellent salmon river, a fishway had been constructed at Tadcaster, and also Wetherby, in weirs belonging to Lord Lonsdale and the Corporation of Leeds. These were in full operation, and were in no way prejudicial to the owners and millers. Weirs in many cases were useful and proper, and with these the Bill would not interfere, though many of them were illegal and might be indicted as nuisances by any litigious person. With regard to the operations of the Special Commissioners, the limited powers with which Parliament had intrusted them had been very beneficially exercised. Up to the present time 536 cases had come before them—many of them, of course, relating to fixed engines. Of these 143 had been allowed, 15 had been partly allowed, and in 300 cases the obstruction had been declared illegal, and dealt with accordingly; while 18 were still under consideration. Their decisions had been appealed from in 40 cases, of which 7 had been remitted to the Commissioners for re-consideration, 7 had been withdrawn, 11 abandoned, 10 affirmed, 2 reversed, and 3 were still pending. The present system had worked satisfactorily and ought to be extended. The cost was, or ought to be, inconsiderable, local Courts being held in the immediate vicinity of the places to be investigated, and the witnesses being examined on the spot at little expense. He believed, indeed, that the inquiries in his own district had not cost more than £10 each, with the exception of the Dimsdale case, where the owner unnecessarily engaged two barristers, and made the inquiry a comparatively lengthy one. The Bill would

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remedy one of the defects of the Act of 1865 by giving compulsory powers for the purchase of fixed engines and dams, with a view to their removal. A Board of Conservators desirous of removing such an obstruction might present a petition to the Secretary of State, who might thereon, if he thought fit, make a Provisional Order; the Order was to be confirmed by an Act of Parliament, and would then come under the powers of the Lands Clauses Consolidation Acts. Of course, the full value of the property would have to be paid. At present, owing to an oversight, the Special Commissioners had no power to inquire into obstructions belonging to the Crown. This oversight in the Act would be rectified by the Bill, the Office of Woods having sanctioned the Amendment, and the assent of the Crown to it would, at the proper time, be signified. No fishing was to be permitted within 50 yards above and 100 yards below a weir or mill-race, except with rod and line. This Bill would give power to the water-bailiffs or constables to search persons found on highways who were suspected to have salmon unlawfully obtained; which was a power analogous to that contained in the Game Acts. He hoped there would be no objection to that provision, but he was not particularly wedded to it. Some persons supposed that the Boards of Conservators did not support this Bill, but that they supported the Bill of the hon. Member for Swansea. His impression was that if the Boards of Conservators thoroughly knew the provisions of this Bill they would prefer it to that of the hon. Member for Swansea. And so far from opposing this Bill, he thought the hon. Member for Radnor (Mr. Walsh) ought to vote for the second reading, in order that it might be sent to the Select Committee along with his own; for the object of both measures was to amend the salmon fishery laws generally, and not to promote any particular interest. It had been said in certain quarters that he was interested personally in this matter. He took that opportunity of saying that there was no foundation whatever for that assertion. He was not an angler, nor a fisherman, nor an owner of a fishery. He was not interested in lower or upper proprietors, nor in tidal or non-tidal waters. His only object in bringing forward this measure was to

remedy great defects in these laws. He was convinced that this measure, without injuring anyone's interests, would confer much advantage on the country. He should be much surprised if the House, after asking him to preside over the Select Committee, and after all the trouble he had taken on this subject during the last three or four years, would do so ungracious an act as to refuse him the second reading which he now sought.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Dodds.)

MR. WALSH, who had given Notice to move an Amendment that the Bill be read a second time that day six months, said, he would admit that the salmon fishery laws required to be reformed in many respects, but he doubted whether the present Bill provided the remedies required. He thought that one of the greatest grievances connected with the salmon fisheries was, that whereas proprietors of lower waters were allowed to catch and intercept fish by the best engines which the ingenuity of man could devise for the capture of salmon, proprietors of upper waters in certain rivers had all the trouble and odium of preserving the fish in those waters, although during the greater portion of the year they derived no substantial benefit from them. He was astonished to hear the hon. Gentleman the Member for Stockton state that the great objection to his Bill was, that it would give the chief power to riparian owners in the upper part of a river — whereas, the great objection to the Bill was, that in the Board of Conservators proposed by the hon. Gentleman, they would be left in a clear minority; and having placed them in a minority in the Board, the Bill would take away from them the power they had before of making a fair bargain with the lower proprietors, and thus they would be left completely at the mercy of the net fishing interest in the lower part of the river. As to the power proposed to be given to the water-bailiffs, he was surprised, after he had heard so many speeches delivered on the opposite side of the House against the Game Laws, that any hon. Gentleman on that side should make such a proposition, for the Game Laws contained nothing half so arbitrary as the 59th

and 60th clauses of this Bill. What would the House think of a proposition to give power to holders of shooting licences in a district to make by-laws to enable gamekeepers to walk over people's land without let or hindrance, for the purpose of searching persons suspected of being unlawfully in possession of game? But both this Bill and that of the hon. Member for Swansea contained a provision of that nature with reference to persons suspected of being unlawfully in possession of salmon. He would oppose to the best of his power any Bill whatever containing a provision of that sort. He entertained as strong objections to many parts of the Bill of the hon. Member for Swansea as he did to this Bill; but he thought the Bill of the hon. Member for Swansea could be made tolerable in Committee, but he despaired of ever seeing such a result obtained in respect of this Bill, because the Bill removed none of the grievances under which the upper proprietors suffered, but rather aggravated them. He should move the rejection of the Bill. The hon. Gentleman concluded by moving that the Bill be read a second time that day six months.

Mr. W. N. HODGSON seconded the Amendment, and said that it had ever been a rule with the House of Commons that the rights of property should not be injuriously affected without compensation; but by this Bill the rights and interests of individuals would be very seriously injured. A fishery, he submitted, should be looked upon as of the same nature as the estate, mansion, or park of any private gentleman: it was held by the same tenure, conveyed by the same process from vendor to purchaser, and the title hitherto had been regarded as safe as that by which real property in this country was held. According to this Bill, as he understood it, the government of rivers would be vested in a Board of Conservators to be elected by persons who held or had held a fishing licence for the past year in the particular district—and for this licence they might have paid only £1.00, in some cases, as little as 5d. In those parts of the country with which he had the knowledge to be connected the lower parts of the rivers belonged exclusively to one, two, or three proprietors, while the upper portion was more divided in ownership. Now what right would

persons who paid only the annual sum of £1 have to elect a Board to enforce the mode in which the fisheries of the lower part of the river should be conducted? By this Bill the Conservators would have power to alter the close season, to say what should be the legal mode of fishing with nets, to vary the licence duty, to impose the form of licence, to lay down in what way the licence should be exercised, and to prohibit the use of nets within a certain distance from the mouths of the rivers. Therefore persons who paid for an annual licence to fish by rod and line might dictate the mode in which the fishery was to be conducted by a proprietor who probably had had the fishery from time immemorial. The hon. Gentleman (Mr. Dadds) he thought hardly understood the nature of his own Bill when he proposed in this way to invest the Conservators with powers almost unlimited. But even if the mode of the election of the Conservators should be varied, his objection to the Bill would not be removed: his objection to the Bill was a radical one, and ran through its whole structure. His next objection—which was of a minor nature—was that the Bill required a double licence from persons who fished with two sets of fishermen. But it was evident that one net could take only a certain number of fish, whether with four men or only two. The power to fix the close season had hitherto been left to Parliament alone. It was Parliament who said when the close season was to begin and when it was to end: but the hon. Member proposed to give this great power to Conservators elected in the affectionable manner to which he had referred. He doubted whether the Bill could be worked at all in its present shape, and in that opinion he was fortified by a London publication of great authority, edited by a gentleman who was known throughout England for his great knowledge of the subject. The publication to which he alluded said that the Bill was made to be amended; that it would not work as it was for this, if for no other reason, that in some places it was quite incomprehensible—for instance, the last provision of the 5th section. If it meant anything, meant that of the lower waters there was to be no representation at the Board, which would thus consist entirely of upper proprietors. Assuredly the hon.

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Gentleman could not mean that. For his own part, he was a resident on the banks of an important salmon river, and he heard no complaint of the present law, which was working very well, under which the salmon in the North of England had very much increased, and would increase still more if the law was not interfered with.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(Mr. Walsh.)

MR. LEEMAN said, he had presented an important Petition that morning from that part of the country with which he was connected in favour of this Bill. That Petition was promoted by a vast number of the Conservators of numerous rivers in the North of England. The hon. Member who moved the rejection of this Bill, had himself admitted that there were several portions of the Bill which, in his opinion, ought to become law. He (Mr. Leeman) would suggest that, under the circumstances, the business-like and sensible course would be to refer the Bills of the hon. Member for Stockton and the hon. Member for Swansea to a Select Committee, with the view of framing one measure out of both, which would be generally acceptable to the House. He did not wish that the Select Committee should call for further evidence, as the question of the law on the subject of salmon fisheries had surely been threshed out. He was sorry to see no one representing the Government present except the Under Secretary (Mr. Winterbotham), for he was anxious to know whether the Government would be prepared to recommend the practical course which he had suggested. If, however, they went to a division he should support the second reading, believing that the Bill contained many valuable provisions.

MR. LIDDELL said, he thought the practical way out of the difficulty was to act on the suggestion of the hon. Member for York City (Mr. Leeman), and send both Bills to a Select Committee. The Bill of the hon. Member for Swansea was the Bill of the Conservancy Boards of nearly the whole kingdom, and if they did not know what was wanting, he should like to ask who did? He did not approve the manner in which the hon. Member for Stockton had framed

his Bill in respect of the election of the Boards of Conservancy. The great fault of the Bill was, that the hon. Member started with dividing every river into two wards; the effect of which would be to perpetuate the antagonism which already existed, and which ought never to exist, because the object of both parties was identical—namely, to increase the production of the fish; and unless the House was to legislate in that spirit, they would legislate in vain. He also objected to setting aside the existing constitution of the Boards, as the Bill contemplated. The present Boards had worked well; they had increased the supply of salmon, and when an alteration was to be made, he preferred that it should involve the minimum rather than the maximum of change; but instead of incorporating in principle the existing Boards, the hon. Gentleman proceeded by constituting new Boards altogether. As to the arguments founded on the rights of property, which his hon. Friend the Member for East Cumberland (Mr. W. N. Hodgson) had adduced, he begged to remind him that English law never allowed any man to exercise the rights of property to the detriment of the rights of other people; and that was what those great fishery proprietors claimed to do, and what the House of Commons ought to set its face against. The hon. Member very properly proposed to continue the Board of Special Commissioners—and that was very proper so long as they acted as a judicial tribunal only; but when the hon. Gentleman proposed to entrust them with executive and administrative powers that was a principle to which he (Mr. Liddell) was strongly opposed. What was wanted was this—by an amendment of the existing law to enable the fish to reach their spawning grounds, and then they became the property, not of one, but of all the proprietors. He saw no way out of the difficulty except by reading both Bills a second time, sending them to a Select Committee, and thus, as it were, picking the brains out of both of them.

MR. DILLWYN said, he did not see any use in referring to a Select Committee a Bill to which the House appeared to have a vital objection—namely, the division of the rivers into two wards, the effect of which would be to perpetuate dissension. What he wished to see passed was a measure which

would reconcile the different interests of the upper and lower waters. Another objection to the Bill of the hon. Member for Stockton (Mr. Dodds) was, that it would ignore the present Inspectors and the Home Secretary, and would turn the Special Commissioners from a judicial into an executive body. These objections were so vital that he hoped the House would refuse assent to the second reading.

MR. WINTERBOTHAM said, that the past legislation on the subject had been found beneficial; and the House was for the most part agreed upon the amendments which were necessary in the existing law; and the Report of the Select Committee had brought the discussion into very narrow limits. As to the two Bills—that now before the House, or that of the hon. Member for Swansea—either might be made into a satisfactory measure. At the same time, in the opinion of the Home Secretary, and in his own, the Bill of the hon. Member for Swansea was better suited to the necessities of the case than the Bill of the hon. Member for Stockton. Substantially the former Bill incorporated the Amendments which had been suggested last Session by the Government. The chief objection to the other Bill was the proposed constitution of the Board of Conservators. No doubt the Select Committee recommended an elective Board, with more extensive powers; but he concurred with those who thought that the Board ought not to be made purely elective. The interests of those concerned in the fisheries were in some respects diametrically opposed, and the Government feared that upon a representative Board the interests of the majority would alone be consulted. Therefore the Government wished, while introducing into these Boards a suitable elective element, to retain a judicial or *quasi-judicial* element appointed at quarter sessions. The Government, for its own part, was quite content to adhere to the Bill of the hon. Member for Swansea, with some exceptions, especially the clauses conferring excessive powers on the water-bailiffs. It had been suggested that both Bills should be referred to a Select Committee, and if that should also be the opinion of the House, the Government would offer no opposition to that course being adopted. In that case, the Committee would select one of the Bills,

with the understanding that any Amendment which might be thought desirable should be introduced from the other Bill, as it was evident that the Committee could not consider the two Bills *pari passu*.

MR. ASSHETON said, that he should certainly vote for the extinction of the Bill of the hon. Member for Stockton. If salmon were ever to become once more a staple article of food, they must be protected by special laws, and it should be remembered that there was a special reason for passing such laws. A goose could only be fed and preserved at the cost of food that, if the goose had not been there, might have been in other ways converted into use for mankind; while salmon required only to be let alone in order to multiply enormously, and surely it was not unreasonable to give them that degree of protection.

MR. BROWN said, he also had a strong objection to referring both Bills to the Select Committee. He thought that a division should be taken, and a definite opinion come to by the House, which Bill they preferred, instead of referring the matter to a Select Committee, which would probably have to come to the House again to decide the question. He hoped the House would reject the present Bill, and send that of the hon. Member for Swansea to the Committee.

MR. STAVELEY HILL said, it would be hard upon the hon. Member for Stockton if, after the assiduous attention he had paid to this question, his Bill was thrown aside altogether, especially when they were going into an investigation of the state of the salmon laws. He therefore thought both Bills should be sent upstairs to a Select Committee, who might produce a satisfactory measure, doing justice to all, and conduced to the preservation of this most useful fish.

MR. M'MAHON also thought it desirable that both Bills should go before a Select Committee. If, however, the House was called on to decide upon the merits of the two Bills, he should vote for that of the hon. Member for Stockton. The great object of all fishery laws was to allow salmon to reach their spawning grounds. Now, there existed 500 impassable weirs, whereby upwards of three-fourths of the spawning grounds of the kingdom were rendered inaccessible to salmon. The Bill of the

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hon. Member for Swansea afforded no means by which these weirs could be opened—and they might be opened without the slightest injury to the mill-owners. He thought, therefore, that the Bill of the hon. Member for Stockton should at least be read a second time and referred to a Select Committee.

MR. STEVENSON also desired that the Bill of the hon. Member for Stockton should be read a second time. It was the only Bill that did justice to the net fishermen. Some of his constituents fished for salmon in the German ocean, five miles off the mouth of the Tyne, and when the river was low, they furnished a quantity of food which the public would not otherwise procure. Out of the revenue of £1,200 a-year which the Tyne Conservators possessed, £950 was contributed by these net fishers. Under the Bill of the hon. Member for Stockton, those men would enjoy the fair share of representation to which they were entitled, but at present, on a Board representing three counties, and comprising 120 members—though they met in a room hardly bigger than the Table of the House—these net fishermen had no representation whatever. Last year the Home Secretary proposed to increase the rates from £5 to £20, which would be utterly destructive of the sea fisheries, and there was no occasion for any change in that direction. On the contrary, these men ought to be encouraged.

MR. KENSINGTON said, the object of both Bills was to provide as large a quantity of salmon for food as possible. It was better, therefore, to read both Bills a second time, and refer them to a Select Committee, not empowered to take evidence, but to prepare from the two Bills a satisfactory measure.

MR. WHITWELL agreed that it was of importance to improve the salmon fisheries; but his hon. and learned Friend (Mr. M'Mahon) should remember that the interests of the millowners must also be considered. He very much doubted whether it was possible to attach fish passes to all weirs, without interfering materially with the flow of water, and, therefore, in trying to improve the fisheries you might easily destroy a much larger interest. The mode of raising the revenue by the licence rate was very unusual, and would require careful examination.

MR. KNATCHBULL-HUGESSEN, having served upon the Committee, and being mainly responsible for the Report, agreed that the interest which the hon. Member for Stockton (Mr. Dodds) had taken in the subject entitled any measure emanating from him to the utmost respect. Several great salmon authorities who had spoken that day admitted there was a deal of good in both Bills; and those Members of the last Select Committee with whom he had been in communication, being a majority of that Committee, were of opinion that both of them should be referred to a Select Committee. In these circumstances, perhaps, that course would be the wisest that could be pursued.

MR. DODDS said, he was willing to accept the proposal to read the Bill a second time, with the view of referring both measures to a Select Committee.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 109; Noes 122: Majority 13.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for six months.

SALMON FISHERIES (No. 2) BILL.

(*Mr. Dillwyn, Mr. William Louther, Mr. Assheton, Mr. Brown.*)

[BILL 10.] SECOND READING.

Order for Second Reading read.

MR. DILLWYN moved, that the Bill be now read the second time. The principal objects of his Bill were to strengthen the powers of the Special Commissioners of the English Fisheries, whose duties confined to judicial functions had hitherto been efficiently performed, and had given general satisfaction; to empower the Secretary of State to alter or combine existing fishery districts and to fix their boundaries; and to define the constitution of the Boards of Conservators. For this purpose, in addition to the elected members, there were to be *ex-officio* members, who were to be owners of fisheries within the district, or the owners of land of the annual value of £100 with a river frontage of not less than a mile. There were also to be placed upon the Boards elective members proportioned to the amount of licence duty paid within the district; the elec-

tors were to be the licence payers of the district, each voter having a number of votes proportioned to the amount of his licence duty. The fifth part of the Bill defined the powers of the water-bailiffs to be appointed; they might enter upon lands, search persons whom they might suspect of having unlawfully captured, or to have in possession salmon, unlawfully caught within the limits of their district, and in certain cases on the highways. By Part VI. the Boards had the power of making by-laws. Part VII. contained provisions as to weirs and fish passes. Subsequent divisions of the Bill related to gratings, restrictions on certain modes of destroying fish, as to the annual and weekly close time, and the last clause provided a scale of licences. In short he had attempted to carry out the recommendations of the Commissioners as closely as he possibly could. If the House should agree to the second reading, he would consult with the Secretary of State, and place the necessary Amendments on the Paper before going into Committee.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Dillwyn.)

MR. M'MAHON moved that the Bill be read a second time that day six months. The Bill lacked the essential features of a good measure which were to be found in the Bill of the hon. Member for Stockton, and as the House had rejected that Bill, it had become impossible to refer the two Bills to a Select Committee, in order that the best portions of each might be selected for legislation. He thought it had been understood that both Bills should be referred to a Select Committee, but as the one had been rejected he thought it would be better that this Bill should be withdrawn, and that the hon. Member for Swansea and the hon. Member for Stockton should conjointly prepare a good measure capable of being passed into law.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(Mr. M'Mahon.)

Question proposed, "That the word 'now' stand part of the Question."

MR. LIDDELL thought it was rather a strong measure for a Member closely connected with Ireland, however learned

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and experienced, to move the rejection of a Bill which was the work of the united Boards of Conservators throughout England, and which was an English Bill pure and simple. He hoped the House would not accept the Amendment, for it would prevent any amendment of the salmon laws this Session.

CAPTAIN NOLAN said, Irish Members were fully entitled to take part in debates on Bills of this kind, because under the present system of government, any measure passed for England might be taken as a precedent for an Irish Bill. It was therefore natural that Irish Members should make remarks upon such propositions.

SIR PATRICK O'BRIEN reminded the House that the hon. Member for New Ross (Mr. M'Mahon) had taken a most effective part in connection with legislation on Irish salmon fisheries, and observed that there seemed to be a disposition to exclude Irish Members from participation in legislation, not only on Bills relating to England, but upon Imperial questions. In proof of this he might allude to the composition of the Select Committee on India and the Euphrates Valley Railway. There was already in Ireland a strong party who believed that Irish legislation could be better conducted at home, and the speech of the hon. Member opposite (Mr. Liddell) would tend to confirm that opinion.

MR. WINTERBOTHAM trusted that the House would not pass from the consideration of the salmon laws to a discussion on "Home Rule." There was no desire to prevent Irish Members from speaking on the question before the House. The Government having already expressed a preference for this Bill would support it. When he acceded to the second reading of the Bill of the hon. Member for Stockton, he did so with the view of sending both Bills to a Select Committee; and he hoped that hon. Members who were disappointed at the rejection of the Bill of the hon. Member for Stockton, would not on that account oppose this measure, which would of course be open to amendment.

MR. W. LOWTHER wished to state that no such arrangement as that which had been referred to by the hon. and learned Member for New Ross had ever been entered into by him, although his name was on the Bill. As this Bill con-

tained all that was good in the Bill of the hon. Member for Stockton, those who supported the first must, to be consistent, vote for the second reading of this Bill.

MR. DODDS moved the adjournment of the debate, on the ground that there was not time to discuss the provisions of the Bill.

MR. LEEMAN thought the most convenient course would be to read this Bill a second time, and then it could be referred to a Select Committee.

MR. DILLWYN expressed his readiness to adopt that course.

MR. D. DALRYMPLE objected to the Bill in several particulars; among others, to the mode in which it was proposed to select the Boards of Conservators. He was also of opinion that the Bill ought not to be sent to a Select Committee until its details had been fully discussed by the House, and it was unfair to the hon. Member for Swansea that this Bill should be brought on when little time remained for its discussion.

MR. STEVENSON pointed out that the Bill would place entirely new powers in the hands of the Conservancy Boards, and that the interests of the fishermen were not sufficiently guarded by its provisions, inasmuch as it would secure them no adequate representation on the Boards.

Motion made, and Question, "That the Debate be now adjourned,"—(Mr. Dodds,)—put, and negatived.

Question, "That the word 'now' stand part of the Question," put, and agreed to.

Main Question put, and agreed to.

Bill read a second time, and committed for Wednesday next.

LOCAL LEGISLATION (IRELAND) (No. 2) BILL.—[BILL 27.]—SECOND READING.

(*Mr. Heron, Mr. Pim, Mr. Bagwell.*)

Order for Second Reading read.

MR. HERON, in moving that the Bill be now read the second time, said, that the existing system of promoting in London Bills relating to Irish local matters involved enormous expense. Last year one Bill, involving a local expenditure of £21,000, had been passed at a cost of £7,000, and the average expense of carrying through such legislation was £4,000 or £5,000. Last year

the Local Government Bill for Ireland was introduced by the Chief Secretary for Ireland, but it had turned out an entire failure; and therefore he now moved the second reading of the present Bill, which provided that the proceedings on all local and personal Acts relating to Ireland should be conducted in that country; that all plans should be lodged in Ireland; and, in case of opposition, that the whole matter should be tried by one of the Election Judges in Ireland.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Heron.*)

THE MARQUESS OF HARTINGTON trusted that the hon. Member would not ask the House to enter upon a discussion of the Bill at that hour. The Chairman of Ways and Means had already announced his intention to bring before the House the whole subject of the course of proceedings upon Private Bills, and it would therefore be convenient, in discussing what should be the future tribunal to decide upon Private Bills, that the House should have the opportunity of previously hearing what would be suggested by the Chairman of Ways and Means, who had devoted a great deal of time to the consideration of the question. Should the House, however, not be disposed to deal with the whole subject during the present Session, he (the Marquess of Hartington) should consider it his duty to bring forward some measure relating to Ireland. He thought the present Bill had better be postponed until they saw what steps the House would take in dealing with the subject as a whole. At the same time, he was not prepared to admit that the Irish Local Government Act passed last year was a failure; and he thought it extremely probable that when the mode of procedure under that Act came to be more generally known many provisional orders would be applied for.

COLONEL WILSON-PATTEN also expressed a hope that the present Bill would be deferred until the Chairman of Ways and Means introduced the proposal of which he had given Notice. The inconvenience complained of in respect to Ireland was also common to the distant parts of England and Wales; but there was no doubt that the mode of conducting the Private Business of the

House was capable of amendment, so as to save expense and trouble to parties.

MR. SERJEANT SHERLOCK hoped it would be understood that, in the event of the proposal of the Chairman of Ways and Means not being adopted, some measure would be passed in relation to Ireland.

MR. M'MAHON said, he had a Bill on the same subject, and as that Bill was fixed for the 15th of May he suggested that the second reading of the present Bill should be postponed till the same day.

MR. HERON said, he would consent to that proposition.

Motion, by leave, withdrawn.

Second Reading deferred till Wednesday 15th May.

PROPORTIONAL REPRESENTATION BILL.

On Motion of Mr. MORRISON, Bill to make provision for Proportional Representation of the People, and otherwise amend the Laws relating to the Representation of the People of England and Wales, ordered to be brought in by Mr. MORRISON, Mr. AUBERON HERBERT, Mr. FAWCETT, and Mr. THOMAS HUGHES.

Bill presented, and read the first time. [Bill 67.]

SALE OF LIQUORS ON SUNDAY (IRELAND) BILL.

On Motion of Sir DOMINIC CORRIGAN, Bill to extend to the whole of Sunday the present restrictions on the Sale of Beer and other fermented or distilled Liquors in Ireland, ordered to be brought in by Sir DOMINIC CORRIGAN, Mr. PIM, Viscount CRIGHTON, Mr. M'CLURE, Mr. WILLIAM JOHNSTON, Lord CLAUD HAMILTON, and Mr. DRAKE.

Bill presented, and read the first time. [Bill 68.]

EPPING FOREST BILL.

On Motion of Mr. AVTON, Bill to enlarge the powers of the Epping Forest Commissioners; and for other purposes, ordered to be brought in by Mr. AVTON and Mr. BAXTER.

Bill presented, and read the first time. [Bill 71.]

EVIDENCE LAW AMENDMENT BILL.

On Motion of Mr. HERON, Bill to amend the Law of Evidence, ordered to be brought in by Mr. HERON and Mr. PIM.

Bill presented, and read the first time. [Bill 69.]

TITHE RENT-CHARGE (IRELAND) BILL.

On Motion of Mr. HERON, Bill to amend the Laws relating to Tithe Rent-charge in Ireland, ordered to be brought in by Mr. HERON, Dr. BALL, Mr. BAGWELL, and Mr. PIM.

Bill presented, and read the first time. [Bill 70.]

House adjourned at a quarter before Six o'clock.

Colonel Wilson-Patten

HOUSE OF LORDS.

Thursday, 29th February, 1872.

MINUTES.]—PUBLIC BILLS—First Reading—
Marriges (Society of Friends) * (29); Public
Parks (Ireland) * (30).

Second Reading—Church Discipline Act Amend-
ment * (20), put off.
Committee—Ecclesiastical Courts and Registries
(15).

ECCLESIASTICAL COURTS AND REGISTRIES BILL.—(No. 15.)

(The Lord Cairns.)
COMMITTEE.

Order of the Day for the House to be put into Committee on the said Bill, read.

THE BISHOP OF WINCHESTER : My Lords, before your Lordships go into Committee on this Bill, I must ask you to allow me to say a few words as to the grounds on which I have laid upon the Table certain Amendments to be considered when the House goes into Committee upon the measure itself. My Lords, it might have been more convenient if the few words I have to say had been said on the occasion of the second reading of the Bill; but the noble Earl who had charge of it (the Earl of Shaftesbury) thought fit to press it forward with a haste very unusual in the case of Bills of importance coming before your Lordships, and diocesan engagements deprived me of the opportunity of addressing the House on the second reading. I believe on that occasion the noble Earl gave utterance to the opinion that I was the last man who ought to complain if he did not consent to delay the second reading, because last year I thanked the noble Earl for having given his attention to this subject. Now, I do not myself see any sequence in these two ideas. Again, I thank the noble Earl, as I thanked him before, for having as a layman applied himself to the preparation of a measure intended to remove certain blots in our present ecclesiastical system. I thank him heartily—it is not by way of paying any personal compliment to the noble Earl, or any compliment to the Bill, that I say I am thankful that one of his energy and his standing in the House should bring forward a measure of this kind, rather than that it should have been

introduced by one of the right rev. Bench. But the more I thank him, the more I feel I ought to do all in my power to make it worth thanks—to make it worth passing in this and the other House of Parliament; but that because I thanked him I ought to be one of the last men that should wish to make the Bill fit to pass is one of the strangest propositions I ever heard. It was, therefore, that I sought to obtain for the measure the full consideration of those best capable of judging of its details. As I have said, I think the second reading was taken with unusual and undue hurry. It was read a first time on the 13th of this month. No notice was given then of the time when the second reading would be taken. Notice was given only on the 15th that the Bill would be proposed for second reading on the following Monday, there being only one sitting day of your Lordships' House between that and the date of the second reading. I regarded this as very undue haste in the case of a Bill intended to alter the whole of the arrangements in the Ecclesiastical Courts of the Church of England. I was engaged on diocesan business at the time when the second reading was to be taken; but I had communicated with the noble and learned Lord (Lord Cairns), who had moved the first reading, asking that, as the week was Easter Week, one in which the Bishops are much engaged with diocesan duty, the second reading might be postponed. From the noble and learned Lord I received a most courteous letter; but the noble Earl (the Earl of Shaftesbury) declined to accede to my request. When I asked for the postponement, I had not the slightest idea of unnecessary delay; but surely those who are so much interested in the Bill might ask that the second reading should be postponed to a time when, without great personal inconvenience, and without disturbing diocesan arrangements and so causing considerable inconvenience, they might attend and deliver their mind on the subject of its provisions. I trust your Lordships will see that, under such circumstances, I might have made the request I did without endeavouring by means of a subterfuge to delay the passing of the Bill. I had no intention of opposing the second reading of the Bill. My intention was, that before reading the Bill a second

time the House should be put in possession of the views of myself and others with whom I have communicated with reference to the measure as it now stands, in order that on going into Committee your Lordships should the better understand the effect of the Amendments of which I have given Notice. I now request the attention of the House to the grounds on which I intend to propose those Amendments; because I think it will be easier to explain them now than to do so when the Bill is under discussion clause by clause. I object, first of all, to the appointment of the one Judge who is to act for the two Provinces of Canterbury and York, and who is to be paid a large salary. I object to this, because it is an innovation on long-established custom. The two Provinces have from the beginning had two separate Courts with a Judge for each. It would be easy to show the advantages which have accrued from this arrangement, while I cannot see any advantages which can result from merging these two offices into one. Again, I object entirely to the whole financial basis which is essential to the working out of the proposed judicial arrangement. In the Bill as originally proposed, the salary of the Judge was set down at £3,000. The figures have since been struck out—I suppose, because this is not the House in which the salary is to be fixed—but a blank has been left for the amount, and no doubt it will be filled up with £3,000. Now, I ask, what is the necessity for a new Judge at a salary of £3,000? None that I can see. After a careful examination, extending over some recent years, I find that, even under existing circumstances, six cases a year would be likely the probable number to come before this Judge with a salary of £3,000. But if you take into account the probability of a settlement of many grave questions hitherto undecided, there seems every likelihood that in future there will not be nearly six trials in the course of a year. I say, therefore, that to create such an office with such a salary is an absolute abuse, considering the work to be done. My Lords, I say further that there is no need for it at all; because at present there is a sufficient emolument attached to the Archbishop of Canterbury's principal judicial office to make it worth the while of one of the Judges

to undertake the duties of the Dean of Arches, and the small additional labour which it involves. The salary of the Dean of Arches is provided from the fees of the Mastership of the Faculty in the Court of the Archbishop of Canterbury, those fees being derived from the issuing of special licences and dispensations. I hold that there is no reason for diminishing, but every reason for keeping up those fees, because they act as a check against applications for special licences in the case of marriage, and for dispensation in other cases. Such licences and dispensations are granted by the Archbishop of Canterbury under an Act of Henry VIII., vesting in him all rights and privileges in those matters which before that time had been exercised by the Pope of Rome. Those rights and privileges have not been taken away by any subsequent Act; but it is very desirable to keep a check on the applications from which those fees are derived. The Dean of Arches is an honourable office, and an emolument of between £700 and £800 a-year will always make it worth the while of the Judge of the Court of Admiralty to undertake the small additional labour involved in the office of Dean of Arches also. I say, therefore, that, so far as the Province of Canterbury is concerned, there is no need of the new office which it is proposed to create by this Bill. I go further, my Lords, and say that I think it is a great advantage that a person who fills such an office as that of the Dean of Arches should also be a Judge in a lay Court. In the first place, because there might be an idea that by sitting exclusively in an Ecclesiastical Court the Judge would have his mind narrowed by the singleness of ecclesiastical jurisdiction; whereas the more constant work in the lay Court tends to keep his judicial faculties alive, and to give broader principles to act upon. With only hearing five causes a year you could hardly expect to keep the reasoning faculties quick and the judicial acumen accurate. I think, therefore, it is a great advantage that the superior Judge of the Ecclesiastical Court should also be a Judge sitting in a lay Court. First, then, I object that the Bill proposes to create an office which is not needed. My second objection is, that it proposes to take away the judicial business from a Court properly qualified

to discharge it. My third objection is as to the source from which the £3,000 a-year is to be obtained. It can be obtained only by maintaining marriage licences at their present high rate, or by maintaining other ecclesiastical fees at a rate which is already excessive. I think marriage should be encouraged by a national Church, and not discouraged by large fees. Again, there are other ecclesiastical fees, certain of which are very objectionable. Your Lordships have heard the noble Earl (the Earl of Shafesbury) declare that these fees are an abomination and an abuse; but it is an inconsistency to ask Parliament not to abolish those fees at the same time that he proposes it should establish a Court which must be kept up by maintaining them. I object for another reason. There are a good many errors in the wording of this Bill, some of which are rather amusing, but one is particularly so. In the clause of the Bill having direct reference to the appointment of the proposed Judge there is no statement as to who is to make the appointment; but in a subsequent clause he is alluded to as "the Judge appointed by the Crown." This is one of the most curious instances I have ever seen of the accidental letting out by the draughtsman of a fact not stated in direct terms in any part of the Bill. Now, my Lords, I am of opinion that as long as the Church of England is an Established Church, or holds property, the appeal in the end must go to a temporal Court; but the appointment of the Judge whose place the new Judge is to take has always been in the hands of the Archbishop of Canterbury. Here the draughtsman had the wit to perceive, and the misfortune to state, that the intention is to transfer the appointment to the Crown. I object to that as uncalled for and as an innovation. Next I object to the introduction of the jury system for trials in ecclesiastical cases. In the first place, it is a wholly novel introduction; in the second place, it has never been desired by the clergy themselves, in whose interests it is supposed to be attempted. This subject was long and carefully considered by the Lower House of Convocation of the Province of Canterbury; but they never have desired to introduce the principle of trial by jury. When these jury clauses came before the Select Committee of your Lordships'

House they were considered and struck out. Now, however, they make their appearance in this Bill. The jury system will increase the expense of these cases, because no man going before the Court will be able to avoid taking with him a practised advocate to put the case before the jury. If this system be introduced, instead of having men who sift the evidence and come to the Court with the object of assisting the Judge, we shall have men dealing with the evidence as advocates do when they have to lay their case before a jury. It appears to me that this will not prevent cases from coming before the Privy Council, because everyone knows the power of skilful advocates, and that they can always in some way or other reserve questions of fact disguised as questions of law, and so bring the case before a Court of Appeal. Instead, therefore, of shortening the proceedings and diminishing the expense, it will protract the former and increase the latter; but to come to the principle on which the jury system is introduced. It is said that persons of the same profession may be presumed to have a knowledge that will better enable them to judge of the facts, and the principle upon which a foreigner on his trial in this country was allowed to have a jury, the one half of whom were foreigners, has been referred to in support of the jury clauses. It is rather singular that this privilege should be referred to in support when the privilege itself was taken away last year. What you took away from a foreigner last year you now propose to give to the clergy. To say that because a clergyman is on his trial you ought to have a jury of clergymen is fully much the same as saying that no bricklayer ought to be tried for murder except by a jury of bricklayers. I say, as one of the clergy, that we should rather not have any such thing. We should rather not give any ground for the suspicion that we want any advantages for our profession, and therefore we prefer to have laymen to try us. There is another objection, my Lords, and it is that the clergy are the worst men to serve on a jury, because, being exempt by law from serving on juries, they have no practice in that way. The manner in which this Bill is drawn would show that those who framed its provisions are not very well

acquainted with ecclesiastical matters, nor with the difficulties which have hitherto presented themselves in ecclesiastical trials. The constant use of the word "may" shows that those persons have not recognized the difficulties which have hitherto arisen in consequence of the use of ambiguous words. And, my Lords, not only is there ambiguity in the terms used, but in the Interpretation Clause words are interpreted which do not occur in the Bill. I suppose they were in it once, but have been allowed to drop out. There is not only a superfluous and misleading nomenclature in the Bill, but there is an interpretation of so great an office as that of the Archbishop of Canterbury. There is an interpretation of "Archbishop" and of "Bishop," and the definitions are in some cases so new and fanciful that I believe if no amendment be made in the Bill, it would be impossible to try a non-beneficed clergyman. There is a definition of a "clerk," which excepts a Bishop and Archbishop. All this is superfluous, and I think noble and learned Lords will agree with me that whatever is superfluous in a legal document or a statute is a nest in which every kind of difficulty settles and breeds. I thank the noble Earl for what he has done; and if your Lordships think you can mould the Bill so as to remove what appear to me to be its evils, I shall be happy to give it my support. I, for one, should rejoice if the noble Earl obtained the credit I think he deserves for having long and earnestly given so much attention to these matters. If the Bill can be amended, I should rather see the noble Earl's name on it than the name of any member of the right rev. Bench; but I cannot in any way compromise the cause of discipline in the National Church in order that we may pay a compliment to the noble Earl. There are several clauses of the Bill which, in my opinion, will require very considerable amendment before the Bill can be regarded as at all satisfactory, or before it can be made a measure that will not contain within itself elements of danger. The scope of my Amendments is to attempt to remove what is objectionable, and to remedy what is deficient in the Bill—my main objections, as I have already stated, being the creation of a new Judgeship, and the introduction of the jury system. I think, my Lords,

that the proceedings in these matters ought to be as simple as possible; but instead of that being the case, it appears to me that under this Bill the procedure is unnecessarily embarrassed, and that new expenses are attached to it. In the Bill which I laid on the Table provision is made for raising the case by declaration—a form of which is given in the schedule, and which anyone can fill up. But the proceedings under this Bill must be commenced by petition, and the petition must in every case be signed by a counsel learned in the law. Now, I think that is an unnecessary and expensive form of proceeding. By one of the provisions of the Bill it is proposed to enact that those of the clergy who unhappily may have been condemned in a Criminal Court may be at once condemned by the Ecclesiastical Court on the strength of the judgment pronounced by the Criminal Court. I agree with that entirely. I think it is a well-founded and necessary provision: but then comes a similar provision with respect to clergymen who may have been condemned in a civil proceeding. I object to this. There are grave offences of which a clergyman might stand condemned by the judgment in a civil proceeding, and having regard to the manner in which the prejudices of jurors may be acted upon in civil proceedings, I do not think an Ecclesiastical Court ought to proceed to condemnation merely on the judgment of a lay Court in a civil proceeding, and without giving the accused party an opportunity of having the facts brought before the Ecclesiastical Judge. In regard to the punishment for some offences, I think the moral standard of our ecclesiastical law is very lax. This is owing to the punishments having been provided at a time when an unnatural and unscriptural prohibition was in force—the time when celibacy was enforced among the clergy. I think to restore a man to a cure of souls in three years after he has been condemned by a superior Court for the commission of acts of adultery is a thing the ecclesiastical law of this country ought not to allow. There are many such evils which require to be removed. I believe, however, that this Bill will increase instead of diminishing some of these evils if it is not amended in Committee, and therefore I hope that it will not be supposed that I wish to oppose the object the noble Earl has in

view because I have felt it my duty to give notice of a number of Amendments.

THE EARL OF SHAFESBURY: My Lords, before we go into Committee, I must say a few words in answer to some of the observations of the right rev. Prelate (the Bishop of Winchester). In the first place, he accuses me of undue haste in bringing on the second reading. It is quite true that Notice of the second reading was not given quite so early as I could have wished; yet I have been told by several right rev. Prelates that the time I selected for the second reading was the most convenient for them. The right rev. Prelate who moved the rejection of the other Bill (the Bishop of Peterborough) paid me the compliment of saying I could not have selected a more convenient day. Therefore, I pair off the accusation of the right rev. Prelate who has just addressed you with the compliment of the right rev. Prelate who spoke the other night. Then the right rev. Prelate (the Bishop of Winchester) complains of my having said he was the last man who ought to object to my bringing on the second reading, because last year he thanked me for having brought in the Bill; but if the right rev. Prelate had referred to a speech of his own made last year he would have found that he then said he was convinced of the necessity of a Bill, but that he felt there would be a difficulty in the way of any of the Episcopal Bench introducing a satisfactory measure, and that therefore he was glad to see the question taken up by a layman. Now as to the objections to the clauses, they can be discussed better in Committee. It is quite true that the jury clauses were struck out by the Select Committee; but I introduced them again at the urgent request of the right rev. Prelate who presides over the diocese of London. For myself, I do not particularly care whether these clauses are retained, and therefore the matter is one which I am prepared to leave between the two right rev. Prelates.

House in Committee.

(In the Committee.)

PART I.—Preliminary.

Clauses 1 to 3 agreed to.

Clause 4 postponed.

PART II.—Reservation of Existing Rights.

Clauses 5 and 6 agreed to.

The Right Rev. of Winchester

Clause 7 (Rights of laics to institute suits, &c. reserved).

THE BISHOP OF OXFORD proposed to omit the clause.

THE ARCHBISHOP OF CANTERBURY asked for an explanation for the proposed omission. If their Lordships struck out the clause they would declare that there was no power on the part of the laity of instituting suits against the clergy.

THE BISHOP OF WINCHESTER said, his objection to the clause as it stood was that it was ambiguous, unmeaning, and therefore dangerous.

Clause postponed.

Clauses 8 and 9 *agreed to.*

Clause 10 (Reservation of existing rights of chancellors, surrogates, and registrars, &c.).

THE EARL OF SHAFTESBURY moved an Amendment providing that these officers might, in lieu of fees, be paid by salaries equal to but not exceeding the amount of fees received by them on an average of three years, and, in addition, payment for such clerks and assistants as may be required for the discharge of the duties of the respective offices.

EARL BEAUCHAMP wished to know where the salaries were to come from?

THE ARCHBISHOP OF CANTERBURY said, it was only just that those who had been receiving fees should be secured against sudden changes.

After some conversation,
Clause postponed.

Clauses 11, 12, and 13 *agreed to.*

At this moment—

OUTRAGE ON THE QUEEN.

EARL GRANVILLE, who had been summoned from the House, returned and said,—Your Lordships will excuse my interruption of this discussion. I have just been informed that a boy of 18 or 19 ran into the garden of Buckingham Palace as the Queen entered, followed the carriage to the door, which is at a short distance, and presented an old-fashioned pistol within a foot of Her Majesty's head. The Queen bowed her head, and the boy was seized. I am informed that the pistol was not loaded,

and it is believed that the object of the boy was to compel Her Majesty by fear to sign a Fenian document which he had in his hand. The Queen showed the greatest courage and composure, and immediately commanded Colonel Hardinge to come down to the Houses of Parliament in order to prevent exaggerated rumours and alarm being spread. I will refrain from entering into any details of which I am not in full possession, and I will further refrain from making any observations on the contrast of this odious although contemptible attempt with the magnificent and unprecedented display of affectionate loyalty on Tuesday.

THE DUKE OF RICHMOND: I cannot allow this statement to be made without expressing my joy at the failure of this miserable attempt, which was clearly of a contemptible character, seeing that, as the noble Earl told us, there does not appear to have been powder and shot in the pistol. At all events, it has had one effect—it has given an additional proof to the country of the courage which has sustained Her Majesty on this as on all other occasions. I cannot but reiterate the feeling of gratification my noble Friend has given utterance to at the magnificent display of loyalty witnessed this week, and the pride we all must feel in the reception Her Majesty met with. It is an enormous satisfaction to set off the magnificent demonstration of such a concourse of people against an event such as that just reported to us.

Consideration of the Bill in Committee resumed.

Clause 14 (Surrogates to issue marriage licences subject to the rules and orders).

THE EARL OF SHAFTESBURY moved that the clause be omitted.

THE BISHOP OF WINCHESTER was understood to say that he could not accede to the noble Earl's proposal. The noble Earl had proposed clauses which, in his opinion, were entirely wrong, and he had therefore proposed other clauses in substitution, and upon the relative value of the two proposals it would be for the House to decide.

THE ARCHBISHOP OF CANTERBURY desired to say a word or two in reference to the appointment of one Judge for the two Provinces, to whom his right rev. Brother (the Bishop of Winchester) ob-

jected on the score of expense; but it exceeded even his right rev. Brother's ability to show that the two Judges he recommended would cost less than one. One of the anomalies which this Bill sought to remedy was that which existed in the Province of York, where the appeal from the Judge of the Archbishop of the diocese was to the Judge of the Archbishop of the Province, the two Judges being one and the same man—in other words, the appeal was from the Chancellor of York to the Chancellor of York. Now, it was obvious that in every good system of judicature the Judge of appeal must be other than the Judge of the first instance, and therefore such a change as the Bill proposed was obviously required. In the Province of Canterbury the appeal from the Vicar General, or rather the Commissary of the Diocese, as to the Dean of Arches. In approving of the course proposed, he did not commit himself to the amount of salary to be given: but it should be such as would command the services of an efficient Judge. His right rev. Brother had objected to the financial basis on which the Bill was founded; but every Bill of the kind must rest on such a basis. And what did his right rev. Brother propose to substitute for it? Nothing. As far as he could see, the only difference between his right rev. Brother's view and that of the Bill was as to whether the fees were to be collected as fees, and paid to the Judge, or whether they were to be paid into a general fund out of which the Judge was to receive a fixed salary. Now, the whole tendency of legislation in both Houses of Parliament of late years had been to give a preference to salaries as compared with the unsatisfactory system of remuneration by fees. The number of cases before the Judge of the Arches was very few, and there need be no apprehension that they would increase to any great extent; yet it was important that the Judge should have so much time at his disposal as to ensure that causes would not be put off from month to month. In fact, the Court should sit *ad hoc in dictu.* He saw no objection to the same person acting as Judge of Appeal for both Provinces of Canterbury and York.

The Bishop of WINCHESTER said, he objected to the proposals of the Bill on the ground that they were not sufficiently simple, and he should, therefore,

the Archbishop of Canterbury

move that after Clause 14 the following clauses be inserted:—

"The archbishop may, if he think fit, sit in the provincial court as the judge in the place of the official principal thereof: Provided always, that the archbishop shall not sit in the provincial court as the judge thereof during the hearing of any suits of which he the said archbishop may be the promoter, or which are brought against clerks who hold preferment in the patronage of the said archbishop; provided also, that when the archbishop shall sit in the provincial court as judge thereof the official principal of the said court shall sit as the assessor of the said archbishop."

"The bishop may, if he think fit, sit in the diocesan court as the judge in the place of the official principal thereof: Provided always, that the bishop shall not sit in the diocesan court as the judge thereof during the hearing of any suits of which he the said bishop may be the promoter, or which are brought against clerks who hold preferment in the patronage of the said bishop; provided also, that when the bishop shall sit in the diocesan court as judge thereof the official principal of the said court shall sit as the assessor of the said bishop."

LORD CAIRNS said, the point at issue was whether a single Judge should be nominated for the two Provinces. The question was surrounded by very great difficulties; but he admitted the theoretical advantages of having a Judge of that description. It was highly important that the office should be filled by a person learned in and accustomed to the administration of the law, and if the Judge were appointed with the approval of the Queen, he might be safely intrusted with the powers ordinarily given to Judges in Her Majesty's Courts. Next came the question how he was to be paid. Whatever their Lordships might decide, it was pretty certain that the other House would regard their interference as a breach of their privileges; and, if so, it would be useless for their Lordships to pass these clauses. As to the right rev. Prelate's proposal to put the fees into a common fund, out of which the Judge's salary should be paid, he would ask where was the fund to come from, and what certainty was there that that source of payment would be always available? If it were proposed to take the fees for special marriage licences, and to put those fees, and those fees only, into a fund out of which the sum for the Judge's salary should be drawn, he should not have the least objection to the plan; but he must altogether denounce visitation and other fees being devoted to such a purpose.

THE EARL OF SHAFTESBURY said, he was convinced that the nomination of one Judge for both the Arch dioceses would be the most simple and effectual method of meeting the difficulty, though he was quite as ready and anxious as anyone to get rid of the fees now levied. His proposal was that the Provincial Judge should be appointed by the Sign Manual of the Queen, and should have all the powers of the Judges of one of Her Majesty's superior Courts of Law, that the Archbishop sitting with that Judge should have these powers, but the Archbishop sitting alone should not. The proposition of the right rev. Prelate (the Bishop of Winchester) was that every Bishop should exercise the full authority of a Judge—a proposition which exceeded any power ever possessed by Bishops in mediæval times. He could not believe their Lordships would accept this Amendment. The clause against which the Amendment was directed was the clause of the Select Committee. He heartily endorsed it, and took the whole responsibility of it upon himself. He appealed to the two Archbishops, who sat on this Committee, whether any objection had been raised to the clause in the Committee.

EARL BEAUCHAMP said, that the noble Earl was in error when he represented this clause as having the sanction of the whole of the Select Committee. The Committee consisted of 15 Members, and this clause, so far from being adopted unanimously, was not adopted by even a numerical majority of the Committee. The Archbishop of Canterbury had claimed the Archbishop of York as a party to the clause; but the most rev. Primate who presided over the Province of York was no party to it, having deliberately left the room before the division was taken.

THE LORD CHANCELLOR said, as the Bill was one which affected the internal arrangements of the Church of England it was thought, in the first instance, that if the right rev. Prelates could themselves agree upon a measure which would be effectual to correct existing grievances with reference to the administration of ecclesiastical law in the Ecclesiastical Courts, it would be better to leave it to them to prepare the Bill and present it to the House with the weight which their common consent would give it. But it appeared that this

consent was not to be had on the part of that body; and it fell to the noble Earl who had taken so very active a part in this matter to produce a measure of his own, calculated, as he thought, to effect the purpose. A most rev. Prelate (the Archbishop of Canterbury) then brought forward a Bill—not professing to do so with the general consent of the right rev. Bench—but a Bill which he thought would be effective and produce the same results as those arrived at by the noble Earl in a somewhat different mode. The House referred both Bills to a Select Committee, which had very patiently considered them. He was not a member of the Committee, and could only judge of the result by what he saw in their Report. The Committee, then, it appeared, had agreed on a Bill in substance such as was brought in by the noble Earl. The Government having considered the Bill did not think it right to oppose the Bill; they thought it should be maturely considered, reserving to themselves, however, the power of saying how the money should be raised for the payment of the Judge. They approved the principle of the Bill—namely, that there should be a single Judge; that he should be nominated as proposed by the Bill, and approved by the Crown; but as to the emoluments to be provided for the Judge, they thought these more properly fell under the cognizance of the other House of Parliament. When they were told, and very truly, as one of the difficulties of the case, that there was scarcely business to occupy a single Judge, it occurred to him that it might be made part of the duty of the Judge appointed to pay some attention to Ecclesiastical Bills passing through Parliament. With regard to the mode of remuneration, he certainly had great objection to paying the Judge from marriage licence fees. He should be extremely sorry to see these fees, which a Commission had unanimously recommended should be reduced from £2 to 5s., relied on for the payment of the Judge. But it was clear that it should be left to the other House to settle the Judge's salary, and the source from which it should be paid.

THE DUKE OF RICHMOND said, it was self-evident that the appointment of a Judge must be followed by his payment; and he must protest against the doctrine of the noble and learned Lord

that the Members of the Government in that House might agree to the appointment of a Judge, who if appointed must of course be paid, and that then the Members of the Government in the other House were to decide how the Judge was to be paid, and whence his salary was to be obtained. That was so extraordinary a proposition that he should suggest that the consideration of this question should be adjourned until the Government made up their minds as to how the Judge was to be paid.

EARL GRANVILLE observed that the Bill was not a Government Bill, and it had gone through the ordeal of a Committee of their Lordships' House, where this very point was raised. The noble Earl opposite tried to raise objections; but he found himself in a minority of one.

THE MARQUESS OF SALISBURY remarked that the Government, as a rule, admitted to have some interest in public questions and matters coming before Parliament; but while prepared to support this Bill, they declined to express an opinion upon its fundamental principle, or to say whether the Judge ought to be paid. Of course, if the Judge was to be paid by salary the other House would have to decide the amount of his salary, and the sum out of which it should be paid. The only proposal before the House was that the Judge should be paid by fees; although that course of action might at any time disappear. Their Lordships would be merely exposing themselves to the ridicule of the public, and the House of Commons if they went through the process of creating an old rate machinery without providing funds by which the offices were to be paid, and they would surely know full well if after ascertaining that there were no such funds they were in the wrong to do the thing. If now one could get rid of what they called a "fiddle," and if the fees were to be paid by the existing staff, which would be considerably less than the money which they had received hitherto, and was paid him a week ago, then it would be necessary to pass the Bill at a subsequent day, and in that case the other House would be compelled to act.

EARL GRANVILLE asked what Majority was necessary to carry such a Bill?

MR. WILDE said that it was necessary to have a majority of the whole House, and that the Government had a majority of 100.

commit themselves on the main question of the Bill. The Government were scarcely treating the House with sufficient respect, and until they had made up their minds it would be wise not to proceed further with the Bill.

EARL GREY said, it appeared to him when the Government said that they intended to support a Bill deeply affecting the interests of the Church of England, and consequently the interests of the nation, they could not afterwards decline to provide some mode for the payment of the salaries which might be necessary. In his opinion, their Lordships were justified in passing the Bill in the shape proposed on the recommendation of a Select Committee. The noble Marquess (the Marquess of Salisbury) said that there was an objection to the mode of payment by fees, because the fees might fail; but, practically, the fees would continue to be paid until Parliament did away with them; and, if they were done away with, Parliament would then be called on to make some other provision for the object. Either the fees must continue to be collected, or else provision must be made for the payment of these salaries when the Bill entered the Commons. Nothing was more important for the welfare of the Church and of the nation than that the noble Earl should be supported in getting rid of the expensive mode of trying causes in these Ecclesiastical Courts.

MR. WESTBURY said, the great object of the measure was to relieve suitors of the large sums of money which were now levied upon them under different denominations in the shape of fees, and which amounted on the whole, to £12,000 a-year. When the offices fell, those contributions would fall with them. The object of the Bill was to substitute a staff that would cost £31,800 for a staff that was now costing £71,794, and all would agree that that was a summatum a nobis to be wished for. The fees would continue to be levied until a sufficient number of existing canonizaries, sacristies, apertories, and the like, had been laid off or were provided for; and the question was how money could be raised to tide over the temporary emergency. It could be done easily unless the Government was disposed to hold that an improvement of this kind was to be sacrificed to a miserable economy; but the Government could

provide the money required for a time by an Act of Parliament, and £8,000 or £10,000 could be raised by mortgaging the future proceeds of the fund. The latter would be a most degrading course to adopt. It might be found that the appointment of a Judge would relieve the Government in future from an extraordinary mode of supplying vacancies. The proposition that a Bishop should hold the door of a Court, and let no one enter it without his sanction, might have been listened to before the Reformation, but it could not be necessary to discuss it now. If the Government would help them over the stile in the matter of money, in two or three years the difficulty would be removed. The object of the Bill was to relieve the public at large from most oppressive and unjustifiable impositions, and the benefit it would confer on the country would be universally recognized.

On Question? Whether the said (first) clause be added to the Bill? resolved in the negative.

THE BISHOP OF WINCHESTER said, he would not now propose the clause relating to the Bishops, but would accept the decision at which the House had just arrived as applying to that one also.

Clause 15 (Compensation to the official principals of Canterbury and York).

THE BISHOP OF WINCHESTER again expressed a hope that the House would not assent to the appointment proposed by this Bill. Instead of the measure containing a plan for relieving the people of this country from the payment of enormous fees, it was, in his opinion, a Bill the effect of which would be to continue their payment. It did not constitute two new Judgeships, but employed two which already existed, and who were now sufficiently paid. There was no need for this clause at all.

THE EARL OF SALISBURY would not insist upon the retention of the clause.

Clause struck out.

PART III.—*Judges of the Provincial and Diocesan Courts.*

Clause 16 (Jurisdiction of Archbishops).

The clause provided that the Archbishop of Canterbury and the Archbishop of York shall each within his Province

be the Chief Judge in his provincial Court in all appeals from the judgments of the diocesan Courts of his Province, and the chief Judge in his diocesan Court.

THE BISHOP OF WINCHESTER moved to leave out the clause.

On Question, That the said clause stand part of the Bill? their Lordships divided:—Contents 48; Not-Contents 10: Majority 38.

Clause agreed to.

Clauses 17 to 22 agreed to.

Clause 23 (Salary to the Judge appointed under this Act).

EARL BEAUCHAMP, looking to the practical working of the clause, said, no one would, he thought, contend that the system of issuing marriage licences was likely to continue, and when it ceased there would be a great deficiency in the amount available for the purposes of the Act. That deficiency would have to be made up out of the funds at the disposal of the Ecclesiastical Commissioners, which were already appropriated to the relief of spiritual destitution. He should therefore oppose the clause.

THE BISHOP OF CARLISLE pointed out that under Clause 19 the Judge was, if a Member of the Privy Council, to act as a Member of the Judicial Committee except on ecclesiastical appeals, and objected to the salary of such a Judge being provided from ecclesiastical sources.

THE ARCHBISHOP OF CANTERBURY said, there would be sufficient money to pay the whole expenses of the Act independently of the fees received for marriage licences, for there was received a sum of £31,000 per annum over and above those fees. The noble Earl (Earl Beauchamp) said those fees were likely to disappear, and he had no doubt the clergy would come to the same conclusion when they observed the tone of the present debate. Further, when the clergy read the speech of his right rev. Brother (the Bishop of Winchester) they would hail him as their deliverer from the very moderate scale of fees fixed by the Lord Chancellor and the Archbishops of Canterbury and York; but the result of this would be that the fees would fall into the hands of a large number of irresponsible attorneys, and would be considerably increased.

THE MARQUESS OF SALISBURY pointed out that visitations and consecrations were not necessarily events requiring the attendance of attorneys, and expressed a hope that the time would speedily come when these services would be rendered gratuitously by the Bishops.

THE BISHOP OF LONDON said, the fees referred to by the noble Marquess did not go to enrich the Bishops, and they were not, in his opinion, too large for the services rendered.

Lord DYNEVOR did not see why marriage licences should be abolished, but thought it clear that the amount received as fees would speedily suffer a heavy reduction.

THE EARL OF SHAFESBURY wished it to be understood that the sum paid to the Judges as salary would not be diverted from charitable objects, as £9,000 a-year were now paid to the Chancellors for doing little or nothing. He moved to amend the clause by omitting from it the words which assigned the amount of salary.

On Question, Amendment agreed to.

Moved, to leave out Clause 23, as amended.—*(The Earl Beauchamp.)*

On Question, "That the clause, as amended, stand part of the Bill?" their Lordships divided:—Contents 21; Not-Contents 9; Majority 12.

Clause, as amended, agreed to.

PART IV.—*Jurisdiction of the Provincial and Diocesan Courts.*

Clauses 24 to 27 agreed to.

THE BISHOP OF WINCHESTER moved, after Clause 27, to insert the following clauses:—

"When an appeal is made to the provincial court a copy of the shorthand notes or report of the evidence taken in the diocesan court shall be transmitted to the provincial court for its consideration, and no fresh evidence shall be brought in cases of appeal before the provincial court, save by the permission of the official principal of the said court."

"When an appeal is made to Her Majesty in Council, a copy of the shorthand notes or reports of the evidence taken or placed before the provincial court shall be transmitted to the said Judicial Committee for its consideration, and no fresh evidence shall be brought before the said Judicial Committee save by the permission thereof."

"A sentence of deprivation and of perpetual suspension may be pronounced upon any clerk in holy orders adjudged to be guilty of adultery or in-

continence, any law or custom to the contrary notwithstanding: Provided always, that nothing contained in this section shall be construed to prohibit the passing of any sentences of deprivation or perpetual suspension upon clerks in holy orders adjudged to be guilty of offences against the laws ecclesiastical which have been heretofore punished by such sentences: Provided also, that no sentence of deprivation or perpetual suspension shall be pronounced in the diocesan or provincial court save by the archbishop or bishop in person, or by some person deputed by the said archbishop or bishop for the purpose, by an instrument under his hand and seal."

"It shall be lawful for any archbishop in whose provincial court any suit may not have been heard, if he think fit, to give effect within his own province to the sentence pronounced by any diocesan or provincial court if such sentence shall not have been reversed on appeal, and if such sentence shall have been varied on appeal, then to such sentence so varied, and the said sentence shall take effect throughout the province of the said archbishop upon the execution by the said archbishop of an instrument, dated within three calendar months after such sentence shall have been pronounced, or confirmed or varied, as the case may be, such instrument being in the form contained in the Schedule (D.) to this Act: and the said sentence shall from and after the date of the execution of such instrument be as good and effectual in law throughout the province of the said archbishop as if pronounced by the provincial court thereof."

Clauses agreed to, and added to the Bill.

Clauses 28 and 29 agreed to.

Appeals to the Judicial Committee of the Privy Council.

Clause 30. *Appeal to the Queen in Council from the judgment of a Provincial Court* agreed to.

Clause 31. *Provincial Court may transmit an appeal per salutum to the Judicial Committee.*

THE BISHOP OF WINCHESTER expressed his opinion that it was objectionable to allow the parties to a suit which had not been heard in the Archbishop's Court to carry it *per salutum* to the Judicial Committee of the Privy Council.

THE DUKE OF RICHMOND said, this could only be done with the consent of both parties.

THE BISHOP OF WINCHESTER said, that when great doctrinal questions were at issue other persons besides the parties to the suit would be deeply interested in the result. He thought, therefore, that such cases ought, for the sake of the Church, to be heard in the Archbishop's Court.

LORD CAIRNS thought that, as the sailors had to pay the costs, they ought

to be permitted to take the case at once before the Privy Council.

Clause agreed to.

Clause 32 agreed to.

PART V.—Suits against Clerks.

Clauses 33, 34, and 35, agreed to.

Clause 36 postponed.

Clauses 37, 38, and 39, agreed to, with Amendments.

EARL BEAUCHAMP objected to proceeding further with the clauses of this Bill at present. Their Lordships were proceeding in total misapprehension of the facts of the case. The noble Earl (the Earl of Shaftesbury), acting, no doubt, in good faith, had led them to believe that this Bill, in its various provisions, had been adopted by the Select Committee. But that was by no means the case. Clause 40 was not in the Bill as it left the Select Committee.

THE EARL OF SHAFTESBURY said, he could not really say whether this particular clause, in all its parts, passed the Select Committee or not. But he firmly and truly believed all the main clauses—all the clauses of any importance or value, and involving any principle whatever, were now in the Bill as it had come down from the Select Committee. He declared most solemnly he never intended, directly or indirectly, to mislead the House.

EARL BEAUCHAMP said, it was due to the House and to himself to state that he never meant to insinuate for a moment that the noble Earl had intentionally misled their Lordships; but by some mistake the Bill, in its present form, was not the Bill which had been sent down from the Select Committee.

THE DUKE OF RICHMOND said, it had been urged that the Bill should be passed because it had been approved by the Select Committee. With all respect for the Committee, composed as it was of many able men, the main duty of the House now was to consider the Bill as it had been brought before their Lordships, and he hoped attention would be concentrated on the clauses as they stood.

Clauses 40 to 47 agreed to, with Amendments.

PART VI.—Oaths and Subscriptions, and filing of Ecclesiastical Instruments.

PART VII.—Mode of application to the Provincial and Diocesan Courts.

PART VIII.—Proceedings and Judgment by consent.

PART IX.—Trials of Issues of Fact.

Clause 62 (Disputed questions of fact to be tried by a jury).

THE BISHOP OF WINCHESTER objected to the provision, on the ground that it was an inconvenient arrangement, and would add to the expense of the proceedings.

THE BISHOP OF LONDON supported the clause, thinking that trial by a jury was by far the most satisfactory mode of settling the question of fact in these cases. A case had occurred in his former diocese, in which a clergyman had been accused of immorality by a girl in a union. The clergyman foolishly resigned; but on a careful investigation before the Court of Arches the charge was considered by the Judge to be groundless; yet public opinion still accused the clergyman—whereas if the case had been tried by a jury, the acquittal would have been held to be satisfactory proof of his innocence. The proposal had been objected to on the ground of the increased expense that it would occasion, by the employment of attorneys, counsel, &c., but it was evident that in any case that expense could not be avoided. Moreover, the Bill proposed that in verdicts on points of fact there should be no appeal to a higher Court, thus placing those trials on the same level as those in the ordinary Courts, and by the provision prohibiting appeal in cases of fact the expenses would be considerably diminished.

LORD CAIRNS thought a jury of any sort a most unfit instrument for trying such cases. The jury gave no reasons for their conclusion; whereas the most satisfactory course was to appoint a competent Judge able to weigh the facts, and require him to state the grounds of his opinion, so that if his decision were appealed from, it could be reviewed more easily.

Clause struck out.

Clauses 63 to 70 struck out.

PART X.—Evidence.

Clauses 71 to 74 agreed to.

PART XI.—Judgments.

Clauses 75 and 76 agreed to.

Clause 77 struck out.

Clauses 78 and 79 agreed to.

PART XII.—Reservation of Ecclesiastical Records.

Clause 80 ('Bishops' registers more than 20 years old to be transferred to the custody of the Master of the Rolls').

THE BISHOP OF WINCHESTER said, this provision would give rise to much inconvenience. The Bishops themselves were the proper custodians of such documents.

LORD ROMILLY highly approved the clause, and said it would effect a great improvement in respect of these instruments, which were of great importance, but in some dioceses very greatly neglected. There was no question that the proper course would be to collect such documents in the Record Office, where they could be properly indexed and placed within the reach of the public.

EARL BEAUCHAMP contended that the Bishops' registers were imperatively required to be kept on the spot for diocesan purposes, and that the clause would not touch what the Master of the Rolls desired to appropriate—namely, documents other than the Bishops' registers; but even these possessed their principal interest for local inquirers, and should not be swallowed up in the Record Office.

THE LORD CHANCELLOR advocated the adoption of the clause. These documents were frequently required in proof of titles, and convenience and economy would alike dictate the policy of enabling the solicitor to consult everything he wished to see at one place. As regarded the safety of the documents in their present repositories, two instances had come under his own notice, in one of which a forged will, and in the other a forged certificate of marriage, had been placed among the papers. These forgeries had only incidentally been discovered, and he was astonished to find how many facilities were afforded for the commission of those offences. As far as the safety of those documents was concerned, there was nothing like the Record Office.

EARL BEAUCHAMP said, the clause under consideration would not affect the object in view, inasmuch as there was nothing in it to entitle the Master of the Rolls to receive other documents than the Bishops' registers.

LORD ROMILLY said, this question of expense called for attention. If the

clause were agreed to it would not involve the outlay of a single penny, for the officers in the Rolls Office were quite sufficient and competent to carry on the business. As for local antiquarians, they would infinitely prefer to have all these documents in the Rolls Office.

THE BISHOP OF CHICHESTER vindicated the local registries from the charge that had been made against them. He had had occasion to consult several registries, and in every case he found the documents in perfect order and readily accessible; while the fees paid for inspecting them were most moderate.

THE EARL OF SHAFESBURY hoped their Lordships would pass the clause, which was essentially necessary for the preservation of these documents. No doubt these documents were better cared for now than they were about 40 years ago; but they still suffered much from dust, damp, fire, and want of ventilation, evils against which abundant protection was afforded at the Record Office.

Clause agreed to.

Clause 81 (Parochial registers upwards of 20 years old to be transferred to the custody of the Master of the Rolls).

THE MARQUESS OF SALISBURY questioned whether it was worth while to incur the expense the clause involved.

LORD ROMILLY said, the expense would be very small, and the effect would be to close the door against the perpetration of a great deal of abuse and fraud.

After short conversation,

Clause agreed to.

PART XIII.—Punishment for Contempt: and Enforcement of the Process of the Provincial and Diocesan Courts.**PART XIV.—Security for the payment of Costs.****PART XV.—Rules and Orders.**

Clause 92 (Rules and Orders to be made by the Ecclesiastical Courts Committee of the Privy Council).

THE BISHOP OF WINCHESTER moved the omission of words providing for the impanelling and payment of jurors, on the ground that the jury clauses had been struck out of the Bill.

THE MARQUESS OF SALISBURY suggested the insertion of words in that part of the clause which relates to the "establishing, altering, or regulating the fees to be payable by suitors," in order

to prevent the Court to be established, in order to carry out the provisions of the Bill, having the power to increase such fees.

THE EARL OF LIMERICK objected generally to the establishment of the Court referred to by the noble Marquess. It would be a step towards the disestablishment of the Church if a Court consisting partly of laymen were to have jurisdiction in matters ecclesiastical. The Church, he maintained, ought to be allowed to manage her own affairs, instead of being sacrificed to the State, and he therefore objected strongly to some of the provisions of the present Bill.

Clause amended, and agreed to.

PART XVI.—*Receipt and Application of Fees and Official Charges.*

PART XVII.—*Collection of Fees, Official Charges, &c., by Stamp.*

PART XVIII.—*Appointment of Vicar General.*

PART XIX.—*Appointment and Qualification of Deputy Judges, Diocesan Chancellors, Registrars, &c.*

PART XX.—*Practitioners.*

PART XXI.—*Miscellaneous Clauses.*

Considered and agreed to, with Amendments.

Postponed clauses considered.

Clause 7 (Rights of laics to institute suits, &c. preserved).

Clause struck out.

Clause 10 (Reservation of existing rights of chancellors, surrogates, and registrars, &c.)

Clause amended by inserting "archdeacon, archidiaconal, or decanal officer."

Clause further amended by inserting—

("to receive, so long as he discharges the duties of his office, the like sum of money by way of salary as he has received in fees on the average of three years immediately before the first day of January one thousand eight hundred and seventy-two, with payment for such clerks and assistants as may be required for the discharge of his official duties: Provided that the salaries or payments to such clerks and assistants shall not exceed what they have received on the average of three years immediately before the first day of January one thousand eight hundred and seventy-two")

Clause, as amended, agreed to.

Clause 36 (Clerk convicted in a temporal Court of crime and immorality).

Clause struck out.

Further Amendments made.

The Report of the Amendments to be received on Thursday, the 14th of March next, and Bill to be printed as amended. (No. 28.)

House adjourned at Eleven o'clock,
till To-morrow, half-past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, 29th February, 1872.

MINUTES.]—NEW WRIT ISSUED—For Gloucester County (Eastern Division), v. Robert Stayner Holford, esquire, Chiltern Hundreds.

NEW MEMBER SWORN—Hon. George Edmund Milnes Monckton, for Nottingham County (Northern Division).

SUPPLY—considered in Committee—Committee—R.P.

PUBLIC BILLS—Committee—Parliamentary and Municipal Elections [21], and Corrupt Practices [22]—R.P.

Committee—Report—Poor Law Loans* [51].

BOARD OF TRADE.—QUESTION.

MR. BIRLEY asked the President of the Board of Trade, Whether it is intended to fill up the office lately held by Sir Louis Mallet, or to merge it in some other Department?

MR. CHICHESTER FORTESCUE said, in reply, that it was not intended to fill up this office. The main part of the business formerly conducted by the Commercial Secretary of the Board of Trade, consisting of Reports to other Departments of the Government, and especially to the Foreign Office, had greatly fallen off of late years and had become insufficient to occupy the time of such an officer. It was, therefore, proposed to establish a new department at the Foreign Office for that purpose. The effect of that change would be highly advantageous to the public service, because the Foreign Office having necessarily in its hands the conduct and management of all international transactions, whether political or commercial, and being mainly responsible for them, would, for the future, assume more fully that responsibility, and would contain within itself all the knowledge necessary for dealing with international matters of a commercial character.

CORRUPT PRACTICES IN MUNICIPAL ELECTIONS.—QUESTION.

MR. MUNDELLA asked the First Lord of the Treasury, Whether, seeing that the Corrupt Practices Bill introduced by the Government has reference solely to Parliamentary Elections, it is the intention of the Government to introduce a Bill during the present Session for the prevention of Corrupt Practices in Municipal Elections?

MR. GLADSTONE: It is evident, Sir, from the terms of the Question, that my hon. Friend appreciates the reason why the Government has not attempted to combine the two subjects of Parliamentary and Municipal Elections in one Bill—namely, because an entirely different machinery is required; and there is a question to be considered and decided, as to the tribunal before which persons accused of corrupt practices at municipal elections should be tried. We quite concur with those who think that great necessity exists for a Bill dealing with corrupt practices at municipal elections. At the same time, it is not possible for me, at this period of the Session, to indicate the time at which we can bring forward such a measure. It must depend upon the progress of business, though we have every disposition to avail ourselves of the earliest opportunity of dealing with the subject.

INCOME TAX ON IRISH CHURCH TEMPORALITIES.—QUESTION.

MR. KAVANAGH asked the First Lord of the Treasury, Whether the Commissioners of Church Temporalities in Ireland are justified in refusing to allow deductions for Income Tax on the charges hereafter to be paid to them (under Clause 32 of the Irish Church Act, 1869) for the purpose of extinguishing the rent-charge in fifty-two years, the words of that Clause being

"The annual sum charged by such order shall have priority . . . and be subject to the same charges, if any, as the rent charge in lieu of tithes hitherto payable out of the same lands."

The Income Tax having always hitherto been since its imposition one of the charges to which said rent-charge was liable:

MR. GLADSTONE: Sir, the Question of the hon. Member is a question of law. I have therefore consulted the Attorney General for Ireland, who is distinctly of

opinion that the Commissioners are proceeding according to law in the course they have taken, and in declining to make these deductions. He also observes that the time for raising the question, if it is desired to raise it, would be when the first instalment comes to be paid.

THE PERSIAN MISSION.—QUESTION.

MR. EASTWICK asked the Under Secretary of State for Foreign Affairs, Whether it is the intention of Her Majesty's Government to carry out the recommendation of the Diplomatic Committee of 1871, by transferring the control of our relations with Persia to the India Office; or, if not, by adjusting the payments for the Persian Mission more to the advantage of India?

VISCOUNT ENFIELD: Sir, Lord Granville has given his best consideration to the suggestions of the Committee in regard to the Persian Mission. He cannot, however, concur with the Committee as to placing that Mission under the authority of the Secretary of State for India, nor can he undertake to recommend the Treasury to assent to any arrangement other than that which was deliberately made in the year 1836 for providing the expenditure of the Persian Mission.

INDIA—METRIC SYSTEM.—QUESTION.

MR. CRAWFORD asked the Under Secretary of State for India, Whether he will lay upon the Table of the House a Copy of an Act passed by the Legislative Council of India, providing for the compulsory introduction of the Metric System of Weights and Measures into the administration of the Railways and Public Departments in India; whether the Railway Companies are parties to and approve of the Act, and whether it has received the sanction of the Chambers of Commerce and other bodies representing public opinion in India; and whether the Secretary of State for India in Council is prepared to allow, or will disallow, the Act in question?

MR. GRANT DUFF: Sir, in reply to my hon. Friend's first Question, I have to say that there will be no objection to laying on the Table the Act to which I understand him to allude. The information which has reached me is hardly sufficient to enable me to answer my hon. Friend's second Question. In reply

to his third Question. I have to say that the Act is still under the consideration of the Secretary of State in Council.

RECTORY OF EWELME.—QUESTION.

MR. MOWBRAY asked the First Lord of the Treasury, Whether the Reverend William Wigan Harvey, B.D., of King's College, Cambridge, was, on November 22nd, 1871, after having completed forty-two days of residence within the University of Oxford, admitted by the Vice Chancellor, "ad *jus suffragandi*" in Convocation; whether the Statutes of the University provide that the admission shall be in express terms to exercise the right of voting in the House of Convocation after the expiration of one hundred and eighty days from the date of admission; whether the Statutes further provide that no one shall exercise the right of voting in the House of Convocation until after the expiration of one hundred and eighty days, to be reckoned from the day when he appeared before the Vice Chancellor; whether Mr. Harvey was, on the 15th December, 1871, presented to the Rectory of Ewelme; whether, under these circumstances, the one hundred and eighty days not having expired, Her Majesty has been advised that Mr. Harvey was, on the 15th December last, such a Member of Convocation of the University of Oxford as Her Majesty was by law entitled to present to Ewelme; also on what day the said Rectory became vacant; and whether Mr. Harvey has as yet been instituted thereto?

MR. GLADSTONE: Sir, I am not cognizant of the particular dates to which the right hon. Gentleman refers, but if anything depends upon them I dare say the information can be had from the officers of the diocese. Some difficulty has been experienced in enabling the Attorney General to answer the reference to the Statutes, inasmuch as the right hon. Gentleman has not favoured us with any information as to the particular Statutes. However, I will now reply to the Questions as accurately as I can. I believe that Mr. Harvey was admitted by the Vice Chancellor at the date quoted to the *jus suffragandi* in Convocation of the University of Oxford, and he was so admitted without any qualification whatever on the part of the Vice Chancellor. In the former Question I

was asked whether Mr. Harvey was admitted subject to the condition of not voting for 180 days; but the admission was absolute. As to the second Question, my hon. and learned Friend (the Attorney General) has not been able to discover the particular statutes which provide that the admission shall be limited by the condition that 180 days shall expire before a vote is given, but he does not believe that to be a material point in the case. The statutes do provide that no one shall exercise the right of voting until after 180 days. There is no doubt about that. Mr. Harvey was presented in December to the Rectory of Ewelme by the Crown, and Her Majesty was advised that at the date of his presentation Mr. Harvey was a member of Convocation of the University of Oxford, and therefore such a member as Her Majesty was entitled to present to the Rectory of Ewelme. The point in which it appears to me that the Questions of the right hon. Gentleman involve—if I may say so—an error, is this: the right hon. Gentleman assumes the possession of the right of suffrage to be the same thing with the immediate qualification to exercise that right. I believe that, according to the law, the right is given in the first instance, subject to the condition of a certain lapse of time before it can be exercised, and the possession of the right, before the lapse of that time, makes a man a member of Convocation. Mr. Harvey has not yet been instituted to the Rectory of Ewelme in consequence of severe illness, the Bishop having on this account allowed additional time within which he may be instituted.

MR. MOWBRAY: I should like to know whether the argument of the right hon. Gentleman is that the *jus suffragii* is the same as the *jus suffragandi*.

MR. GLADSTONE: I have stated the law as it is given to me by the Attorney General, and probably I should have acted more wisely had I devolved upon him the necessity of answering the Question.

PACIFIC ISLANDERS PROTECTION BILL.
QUESTION.

ADMIRAL ERSKINE asked the Under Secretary of State for the Colonies, Whether, considering that the Bill for the Prevention and Punishment of Criminal Outrages upon Natives of the Islands in the Pacific Ocean has been in

the hands of Members only since Monday, he intends to proceed with the Second Reading upon Thursday?

MR. KNATCHBULL-HUGESSEN, in reply, said, he gathered that it would be convenient to postpone the Bill for the present. He would put it down in the Orders for Monday, on the understanding that it would not be taken then, and that he would meanwhile consider to what day he should postpone it.

FOREIGN OFFICE—CONDUCT OF COMMERCIAL BUSINESS.—QUESTION.

MR. MAGNIAC asked the Under Secretary of State for Foreign Affairs, whether, in view of the retirement of Sir Louis Maller from the Board of Trade, any change has been made in the Foreign Office for the future conduct of the Commercial business transacted by that Department?

VISCOUNT ENFIELD: Sir, on the retirement of Sir Louis Maller from the Board of Trade certain commercial business of an international character came more completely under the cognizance and direction of the Foreign Office, and with a view to the efficient discharge of those duties the commercial department of the Foreign Office was reconstituted and separated from the consular branch. Lord Granville has placed at its head a gentleman, in his opinion, specially qualified for those duties. Mr. Kennedy, who after a brilliant University career, has served for upwards of 21 years with credit and distinction at the Foreign Office, and who has lately been employed on special service in the Levant, in connection with our consular establishments in that quarter of the world.

NAVY—ADMIRALTY WRECKS AS CUSTODIES

MR. W. J. JOHNSTON asked the First Lord of the Admiralty, why the wrecks of ships of the Royal Navy, which had been captured by the French during the late war, were not handed over to the Admiralty? The Non-Commissioned Officers and Men of the Royal Engineers, who had been captured by the French during the late war, were handed over to the Admiralty, and the Admiralty had given them their freedom, and now they were free men, and were entitled to compensation, and the Admiralty had given them compensation; but the wrecks of ships of the Royal Navy, which had been captured by the French during the late war, were not handed over to the Admiralty.

1871, while the writers in the Dock and Victualling Yards have regularly received the advance?

MR. GOSCHEN said, that by an Order issued in 1869 by the Admiralty certain writers were to receive certain salaries. That Order was superseded by one dated August, 1871, which applied to all the departments of the Civil Service, and under that Order in Council was regulated any further advance in pay, and the question was whether the writers in the Dockyard and in the Victualling Yards ought to have received the advance that took place in the other departments under that Order. The attention of the Board of Admiralty was called to the subject about two months ago, and the matter was now under investigation.

ARMY RE-ORGANIZATION.—QUESTION.

MR. HOLMS asked the Secretary of State for War, whether it is intended that the home battalion of a Regiment shall be stationed within the district from which it is recruited during the period of its employment on home service; and whether it is intended that of the two companion battalions of a Regiment one and the same battalion shall be always at home and the other abroad, or whether it is intended that they shall be exchangeable, sometimes the one battalion at home, sometimes the other?

MR. CARDWELL: Sir, the intention is that the third battalion, or dépôt company, shall be localized. With regard to the other two battalions, they will serve wherever they are required; one being always at home, and the other always abroad. In answer to the second question I have to state that the two battalions will be exchangeable.

LOCAL TAXATION.—QUESTION.

MR. GEORGE JENKINSON asked the First Commissioner of the Local Government Board, whether he intends to bring in any Bill this Session dealing with the subject of local taxation, and with the extension of the present system of making the same by extending such imposts to other property now exempt, or by some other remedy or alteration of the present law?

MR. HARRISON (for Mr. STANFIELD) said, he might not. Friend proposed to introduce the question of local taxation

and existing exemptions from local rates, but would not deal with the inequalities of the present system of levying local taxation. His right hon. Friend hoped to introduce the Bill in the course of the present Session; but could not state when he would do so, or even whether he would be able to introduce a Bill at all.

**NAVY—REPORT OF THE “MEGARA.”
COMMISSION.—QUESTION.**

MR. CORRY asked the First Lord of the Admiralty, If he can say when the Report of the Royal Commission on the Loss of the Megara, with the Evidence, will be presented to Parliament, and whether it will be in the hands of Members some days before he makes his statement on moving the Navy Estimates?

MR. GOSCHEN: I wrote, Sir, to the Chairman of the Commission, in consequence of the Question of the right hon. Gentleman, and Lord Lawrence informs me that the Report will probably be signed on Saturday or Monday. Therefore, I am unable to say how soon it can be printed and be in the hands of Members. Probably it will be in the hands of Members some days before I am able to make my statement upon the Estimates. If not, I propose to leave out from my statement any controverted matters, so that hon. Members may not feel themselves hampered by the absence of that document.

**INDIA—THE KOOKA INSURRECTION.
QUESTION.**

MR. HAVILAND-BURKE asked the Under Secretary of State for India, Whether Deputy-Commissioner Cowan did, as stated in “The Times” of the 5th of February, and after the complete suppression of the Kooka Mutiny, select fifty men out of the number of prisoners to be executed by being blown from guns; whether such fifty men were so executed; whether Mr. Forsyth, the Commissioner at Umballa, caused sixteen other men connected with the same Mutiny to be executed; and, if so, whether there was any court or tribunal for the trial of the said sixty-six men, and what was the finding of such court or tribunal; whether, previously to such executions, any Communications were made

by the officers above-named to the then Governor-General of India, and what Reply, if any, was received from his Excellency; and, whether he has any objection to lay upon the Table of the House all Papers or Correspondence relating to the Kooka Mutiny?

SIR DAVID WEDDERBURN also asked, Whether it is the intention of the Government to institute any special inquiry into the circumstances connected with the Kooka insurrection near Loodiana?

MR. GRANT DUFF: My reply, Sir, to the hon. Gentleman’s first Question must be, I deeply regret to say, in the affirmative. My reply to his second Question must be that the number was 49, the fiftieth having been cut down in self-defence by an officer of a native State. My reply to the first part of the third Question must also, I regret to say, be in the affirmative. As to the second part of it, I have not seen the finding of the Court; but I believe that Mr. Forsyth’s proceedings, whether justifiable or not—as to which I give no opinion—were not on the face of them irregular. My reply to the fourth Question must be that, previous to the executions, there seems to have been no communications about the executions with the late Viceroy. When, on the 19th of January, he received the intelligence of what had been done, he telegraphed to the Lieutenant Governor of the Punjab—“Stop any summary execution of Kookas without your express orders.” As to the fifth Question, there will be no objection whatever to lay the Papers on the Table when they are complete. At present they are so imperfect as to add little or nothing to what hon. Members know already. In reply to my hon. Friend (Sir David Wedderburn), I have to say that a special inquiry has been instituted on the spot, and the Secretary of State in Council has informed the Government of India that he awaits with anxiety the Report of the Lieutenant Governor of the Punjab.

MR. HAVILAND-BURKE said, the hon. Gentleman had not told the House whether any court or tribunal had been held for the trial of the 66 men before they were executed.

MR. GRANT DUFF: I thought this might have been inferred from my statement that, so far as I have any information, Mr. Forsyth’s proceedings were

in proper form and were in no way irregular.

MR. HAVILAND-BURKE said, he was still unable to understand whether there was any trial before the execution of these men?

MR. GRANT DUFF : My answer related to the proceedings of Mr. Forsyth. So far as we are aware, there was no trial of any sort by Mr. Cowan ; he executed without trial.

ARMY—RECRUITING.—QUESTION.

MR. EASTWICK asked the Secretary of State for War, Whether, as the Report of the Inspector General for Recruiting has not yet been circulated, he will postpone the Debate on the Army Estimates from Monday the 4th till Monday the 11th March, and will supply, before that date, a map of the districts in which regiments are to be localized, with the position of the depôts ?

MR. CARDWELL said, in reply, that the Report of the Inspector General of Recruiting had been circulated that morning. As to the map, the hon. Gentleman would observe that the basis of distribution was not superficial area, but population. It was, therefore, from the schedule rather than from any map that information was to be sought. At the same time he would furnish a map if it were thought necessary. He hoped to be able to go on with the Estimates on Monday, but this would depend on the arrangements made by his right hon. Friend (Mr. Gladstone).

THANKSGIVING IN THE METROPOLITAN CATHEDRAL—THE DOCKYARDS.

QUESTION.

SIR JAMES ELPHINSTONE asked the First Lord of the Admiralty, Whether any application was received praying that there should be a suspension of business in the Dockyard and other Government establishments at Portsmouth on the late occasion of Thanksgiving ; and if he was aware that, in accordance with the recommendation of the mayor, there was a general cessation of business throughout the civil community ?

MR. GOSCHEN, in reply, said, the only application received by the Admiralty from Portsmouth was sent by the Admiral Superintendent of the Dockyard, asking whether there was any intention to grant a holiday there on

Mr. Grant Duff

Thanksgiving Day. This question was answered in the negative. He was not aware whether the Mayor recommended a cessation of business in the town ; nor did he know whether the recommendation was acted on ; nor, if there was a cessation from business, whether the workmen in private firms were paid the same as though they worked on ; nor whether the business of the town generally was of the same urgent importance as that now being carried on in Her Majesty's Dockyards. He could assure the hon. Baronet that it would have been a very easy and agreeable task for him to say that there should be a holiday in the Dockyard ; but he feared he had added one more to the errors of the Government by refusing to sacrifice the public interests to local and individual wishes and convenience.

INDIA—BOMBAY BANK.—QUESTION.

MR. FAWCETT asked the Under Secretary for India, Whether the Second Report of the Commissioners appointed to inquire into the failure of the Bombay Bank refers to the past connection of the Government with the Bank, as well as to the future management of Government Banks ; and, whether, if this should be the case, he will consent to lay upon the Table all that portion of the Report which relates to the former subject ?

MR. GRANT DUFF : There are, Sir, undoubtedly some passages in the Reports to which the hon. Gentleman alludes which refer to the affairs of the old Bank of Bombay ; but they are mixed up with other matters, and the whole of the documents are, as I said on Monday, of a strictly confidential character, in the nature of privileged communications made to the Secretary of State by certain persons who, having been employed as Commissioners, and having reported as Commissioners, were consulted in their private capacity as to future policy by the Secretary of State. Hon. Members will see that such documents are not of the kind which the House in its wisdom usually asks a Government to lay upon its Table. Four volumes on the subject of the old Bank of Bombay, including the Report on the affairs of the old Bank of Bombay by those very same persons in their capacity of Commissioners, are already in the hands of hon. Members.

TREATY OF WASHINGTON—THE
“ALABAMA” CLAIMS.—QUESTION.

MR. DISRAELI: Sir, it will be convenient to the House, If the right hon. Gentleman the First Lord of the Treasury could give us any further information as to the probable period when we may expect an answer from the Government of the United States to the friendly communication made to it?

MR. GLADSTONE: We have had no information as to the despatch of the document, and I cannot say absolutely when it is likely to start from America.

CONTAGIOUS DISEASES ACTS AMENDMENT BILL.—QUESTION.

In reply to Sir JOHN TRELAWNY,
MR. GLADSTONE stated, that he did not see any probability of this Bill being brought on for a Second Reading upon the 21st of March; but notice of the day when it would be proceeded with would be given to the hon. Member if he should wish to bring forward any Motion on the subject.

THANKSGIVING IN THE METROPOLITAN CATHEDRAL—ACCIDENTS.

QUESTION.

MR. CADOGAN asked the hon. Member for Truro, Whether, in pursuance of the Instructions stated by the Home Secretary to have been issued by the Metropolitan Board of Works for the inspection of temporary structures raised for Thanksgiving Day, any inspection had been made of the erection near Marlborough House, which had fallen, and been the scene of a serious accident?

COLONEL HOGG said, in reply, that it appeared from the Report of the District Surveyors that, after careful inquiry, they had not found that any structure which had been erected, or was in the course of erection, in the neighbourhood of Marlborough House up to the evening of the 26th of February had fallen; but they stated that a standing-place, set up near the porter's lodge in Marlborough House Yard, and which consisted of loose planks, had been thrown down by the crowd, and was the cause of a serious accident. He desired to add that the District Surveyors performed their difficult task in a most careful way,

and, after making inquiry, he had ascertained that no accident occurred to any structure they examined.

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL.—[Bill 21.]
(*Mr. William Edward Forster, Mr. Secretary Bruce, The Marquess of Hartington.*) COMMITTEE.

Order for Committee read.

SIR MICHAEL HICKS-BEACH moved, that the Corrupt Practices Bill be referred to the same Committee. In the present year the Parliamentary and Municipal Elections Bill had been brought in at an early period, so as to allow ample time for consideration, and as the House had already affirmed the principle of the Bill on two previous occasions, he did not now mean, nor would he during the progress of the measure propose to question that principle, but any Amendments he might offer would refer to points of detail. He wished, however, to know why the Government, in the present Session, separated the Corrupt Practices Bill from the Parliamentary and Municipal Elections Bill. The main portion of the former measure, likely to give rise to discussion, related to personation and to a provision for striking off a vote from the total number recorded for a candidate, if a person were proved to have been bribed to vote for him, and these were matters connected with the proposal to establish the system of secret voting. The Parliamentary Elections Bill introduced a new system of voting, which was admitted to be liable to certain evils, and yet the Government declined to provide in the same Bill the remedies against those evils. It could hardly be argued that delay would be caused by combining these two Bills into one, for if the Government adhered to their declared intention that the two measures were to proceed *pari passu*, it would be just as easy and as expeditious to consider them together as separately. But besides, by dividing the measure into two, both parts of it were materially injured. During the last three years, whether before the Select Committee, or in the various Bills introduced by the Government, the question of Parliamentary and municipal elections had always been considered as a whole. Yet, now the Government proposed to apply the

Ballot in both, but to legislate against corrupt practices only in the former. And this, although no one could deny that municipal elections were at least as liable to corruption as Parliamentary. The wrongs indeed throughout the country might be more thoroughly demonstrated in the case of the former than the latter, because, though they occurred more frequently. Why, again, were safeguards against personation to be taken in Parliamentary elections, while in municipal they were allowed to run unchecked? In the Corrupt Practices Bill, also, the mode in which, on a scrutiny, a vote was to be struck off was the subject of certain provisions, and surely similar provisions were equally necessary with reference to municipal elections? There were two other clauses also in the Corrupt Practices Bill which provided that any payments made, except through the agents, should be considered corrupt payments, and that a room should not be employed in a public-house for the purposes of a Parliamentary election. Why, then, he should like to know, was a candidate at municipal elections to be allowed to make what payments he pleased without their being deemed corrupt, and to hire rooms, if he thought fit, in every public-house in every ward in a borough? There could be no doubt, that if no further safeguards were to be introduced municipal elections under the Ballot would be more corrupt than they had hitherto been. If, moreover, such loopholes as those he had referred to were left open, it was clear that the provisions by which it was expected that a check would be placed on corruption and personation at Parliamentary elections would fail to secure that object. Three years back notorious cases had been tried before the Election Judges, in which it had been distinctly proved that boroughs had been corrupted at municipal elections simply for the purpose of rendering the Parliamentary elections safe. The same process might be repeated with the greatest possible facility, and there is a point at that which it would be thought might be approached by the House, although it might have been the opinion of the Government, May it so be, that the time had not yet come for a Committee to be appointed to consider the question, but that the time had now arrived when the House

he hoped, would not concur in that opinion. There were other improvements in our electoral system not less necessary or important, which ought to be considered, and he hoped, therefore, the House would not give its sanction to the timid and half-hearted course which the Government had adopted. For his own part, he maintained that by taking the Bill separately the House would be doing all in its power to prevent corrupt practices at elections from being dealt with for some time to come. It had been admitted that both measures must stand or fall together; and he hoped, under those circumstances, the House would assent to his proposal that they should be fused, and the system of secret voting, if it was to be adopted at all, thus made as far as possible satisfactory.

Motion made, and Question proposed,

"That the Parliamentary and Municipal Elections Bill and the Corrupt Practices Bill be committed to the same Committee."—(Sir Michael Hicks-Beach.)

OUTRAGE ON THE QUEEN.

OBSERVATIONS.

MR. GLADSTONE, interrupting the debate, said: I rise, Sir, not for the purpose of following the hon. Baronet on the subject of his Motion, but of conveying to the House the substance of a verbal communication which I have just received, through Colonel Hardinge, from Her Majesty. The object of that communication is to prevent the spread of any needless alarm. It is a simple narrative. Her Majesty went out to drive this afternoon, after the Court was held, and came back about half-past 5. She was received with loyal demonstrations by a numerous assembly at the garden entrance of Buckingham Palace. When the gates were opened to allow the Queen to enter, a youth, who is stated, or supposed to be, 18 or 19 years of age, made his way into the garden of the Palace, following the Royal carriage, and when the carriage reached the door of the Palace he presented himself first on the side opposite that on which Her Majesty was, where Lady Churchill sat, who was in attendance, and then, going round to the same side as the Queen sat, fired a pistol towards Her Majesty. The Queen, who was not in the slightest degree startled or alarmed, simply withdrew her person within the frame of the

Sir M. H. Beach.

carriage; and while this was occurring the attendants dismounted, immediately secured the lad, and took from him the pistol which he held. He had with him also a paper for signature, with places for the names of witnesses. The object of this paper was to obtain from Her Majesty a pledge, as I am told, for the immediate liberation of those who are called Fenian prisoners; but who, in point of fact, the House will remember, are certain persons detained in prison in connection with Fenian offences on account of features in their case which partake of the nature of ordinary crime. The pistol was seized, and is probably now in the course of being examined; but I have received nothing yet in the shape of a written document in reference to the subject, and the House will, therefore, understand that I am giving the best account in my power of the occurrence from a verbal communication. There is no cause whatever for alarm. Indeed, I am told by Colonel Hardinge that not only was the pistol not fired, but that he believes it was not even loaded. The youth himself stated that it was not loaded; and Colonel Hardinge's opinion is that the statement is probably true. Among other signs to the effect that it was not loaded, there was some red cloth projecting from the muzzle of the pistol. I understand the instrument is of a very primitive structure, with an ancient flint lock, and having the barrel screwed on; and the lock was in such a condition that, even had it been loaded, Colonel Hardinge is of opinion that it could not be fired. A circumstance of this character may, however, create great alarm, and whatever relates to her Majesty is a matter of such deep and profound interest, especially to the House of Commons, that I hope the House will forgive me—I know, Sir, I have your forgiveness—if I have thought it desirable to interrupt the business on which we are engaged for the purpose of allaying any apprehensions with regard to the life and safety of Her Majesty which may prevail.

SIR GEORGE GREY, resuming the debate, observed that the assurance given by the right hon. Gentleman with respect to the safety of Her Majesty must be most satisfactory to the House. It was scarcely possible to suppose, after the demonstrations of enthusiastic loyalty

which were displayed on Tuesday last, that any serious attempt could be made on Her Majesty's life, and the statement which had been just made would remove the anxiety which exaggerated rumours of what had occurred were producing, while it also showed that Her Majesty's conduct had been marked by Her usual fortitude.

With regard to the Motion of the hon. Baronet (Sir Michael Hicks-Beach) he did not think it would have the effect of uniting the two Bills to which it related in the manner which he proposed. Its only result could be to serve as an indication of the opinion of the House that both Bills should be proceeded with in the course of the present Session. If the hon. Baronet's Motion were carried, the only effect of it would be to enable the Committee to consider one Bill after the other had been disposed of, without the Speaker resuming the Chair; but it would not prevent the first Bill alone being carried through its subsequent stages.

MR. FAWCETT looked upon the Motion to refer the two Bills to the same Committee, despite the high authority of the right hon. Gentleman (Sir George Grey), as being one of great importance. If the Government were prepared to assent to the Motion, there was no occasion for discussion. But no Member of the Government rose after the hon. Member for Gloucestershire (Sir Michael Hicks-Beach) resumed his seat, and it was to be presumed, therefore, that the Government did not assent. It appeared to him to be evident that that Motion was intended to protect the House and the country against a very grave danger, and if the Motion, or some similar Motion, should not be carried, there would be no security against the happening of an event which he certainly regarded as one that would be a great disaster to the country. It was no use mincing matters on this occasion. No one who considered the present state of political parties, and the present uncertain state of politics in this country, could doubt that it was quite a probable contingency that a General Election might take place in any month, or even any week. Why he thought a General Election might take place was this. He had heard ominous sounds on every side of that House, and a strange event was happen-

ing in it. One of the most remarkable events that ever occurred was taking place. The Ballot, after being kicked from side to side in that House, and after being treated at first with contempt and ridicule, and then with a kind of fanatical political idolatry, was now supposed to forebode a great party advantage to each side of the House. Night after night he heard Friends of his sitting near him saying—"Never mind about anything else; never mind about all the measures that are before the House; let us get the Ballot; we shall be masters of the situation and can pursue a bold, nay, even a threatening policy." The Conservatives on the opposite benches believed that they would gain an equally great party advantage. He was talking the other day to one of the most acute electioneers in this country, identified with the Conservative party, who said he thought the Ballot would make a difference of at least 50 seats to them. Now, he (Mr. Fawcett) would not inquire into the probable effects of the Ballot on party; but, this being the impression which was undoubtedly growing up in the House, he asked what security had they, when the Ballot Bill was passed, that a General Election might not occur—and occur, too, without any additional guarantees being provided for greater purity of election? What he greatly feared was that if the Ballot Bill passed that House in the course of a fortnight or three weeks, then they would be told that there were many important subjects urgently pressing for consideration, and the Government might postpone the Corrupt Practices Bill to the end of the Session. If the Corrupt Practices Bill were so postponed, then he should say the House was unfairly treated by not being allowed time to consider one of the most important measures that could possibly be introduced, and that it was at least of as much if not of more importance that they should consider the Corrupt Practices Bill with due deliberation as that they should so consider a Bill to establish secret voting. If the former measure were put off till the end of the Session, it would not be possible to consider the numerous important Amendments in it standing on the Paper. What, then, would happen? In all probability they would have a Bill hurried through to continue the present Corrupt Practices Act. Could those who

had watched the proceedings at the last General Election pretend that the existing law gives adequate security against corrupt practices? Was it not proved that, as far as the prevention of the treating went, it was a farce; and that, as regarded preventing large sums of money being squandered in various corrupt ways, such as for exhibiting boards and the like, it was a ludicrous farce. It had come out before the Parliamentary and Municipal Elections Committee that there was no such fruitful source of corruption as that which existed at municipal elections; and after the answer they had received from the Prime Minister that night he must indeed be a confident and foolish man who thought for one moment that unless the House put considerable pressure on the Government there was the smallest chance of anything being done this Session to stop corruption at municipal elections. Then let them look just for a moment at the melancholy, he might say the discreditable, position in which they were landed. They had at last got what he had long expected they would get. They had been drifting on a current the direction of which they could not mistake. They had got a Ballot Bill, pure and simple, with all the best provisions left out of it. The Government had at length practically abandoned the attempt to diminish the expenses of elections; and with the Ballot Bill giving occasion for a greater number of polling-places, they would have secret voting and increased election expenses, but not one single security for diminishing corruption. The Corrupt Practices Bill, in its present shape, was so bald and imperfect, that it was absolutely necessary they should have some pledge that that measure would not be postponed till the end of the Session, and there ought not to be one hour's delay in their considering it. If they wanted an additional proof of its defects they could not have a better one than was presented by the most important Amendments placed on the Table by the hon. Member for Taunton (Mr. James) and other staunch Friends of the Government, but which had no fair chance of being considered if the Corrupt Practices Bill was postponed. If it was postponed, could they really say to the country—"We have done what we can to check corruption?" Let them look, for example, at the public-house clause of that Bill. It

imposed a penalty of £20 on a publican who let his public-house for electioneering purposes; but it inflicted no penalty whatever on the candidate or his agent who hired a public-house. That would simply make bribery on a large scale perfectly safe. It gave impunity to the rich briber, because if he gave £40 for the use of a public-house, the publican could afford to pay £20 as a fine, and would still have another £20 of the money to put in his pocket. Again, as to personation, the agent or the candidate encouraging personation was merely to be deprived of the privilege of sitting in that particular Parliament. But, further, if those measures were passed in their present incomplete form, a wealthy candidate might bribe with impunity against a poor one, because the latter could not pay the enormous expense of elections. ("Question?") His observations were strictly germane to the question, for it was impossible to consider those two Bills properly unless they were taken together. Was it not a farce to say they were anxious to stop corruption if they encouraged a system which virtually told the poor candidate—"You may have the clearest possible proof that your rich rival has bribed against you; but the expense of a Petition is so enormous that it is absolutely impossible for you to incur it?" An unfortunate opinion seemed to be springing up that when they had got the Ballot they would have reached the goal of representative reform. He admired the institutions of America in some of their aspects as much as any man; but, let anyone calmly and candidly read what he could about the representative institutions of America, and must he not come to the conclusion that that House was producing a perilous policy if it simply passed the Ballot without, at the same time, taking adequate security for the prevention of corrupt practices? Did they suppose that the Ballot would extirpate bribery? He was only that day reading the work of a very able American writer, who was not a philosophical *doctrinaire*, but a shrewd New York barrister, and he said—

"We have the Ballot in America, but political corruption there has become so systematic that we have actually got a technical language to describe it."

And the writer went on to speak of the dangers of the loathsome and noisome

disease called "spoil," of "making a slate," and of "Jerrymandering," all of which abuses existed under the Ballot. These expressions, which were to be found in a book written by a Democrat—a man not opposed to extended suffrage—ought to be regarded as a warning to this country, that it was pursuing a dangerous path, if it thought that secret voting would not lead to some of the worst evils of the representative system. For his own part, he had always been in favour of the Ballot. [*A laugh.*] Hon. Members might smile at this confession if they chose. All knew the proverbial fanaticism of recent political converts; but he had been in favour of the Ballot for upwards of 20 years, and it was because he had so long entertained a conviction in its favour that he was indisposed to exaggerate its importance. There were other things he cared about quite as much, and there were many things which he cared about a great deal more. He was aware that, in making these remarks, he was expressing unpopular opinions; but that knowledge would not deter him from expressing his view of the matter, which he believed and knew to be the view of thousands, and especially of some hon. Members who would not take part in that debate. While supporting secret voting—and he should never give a vote against it—he thought it was of infinitely greater importance that that House should devote itself as it had never devoted itself before—not with hollow insincerity—but with earnestness and devotion, to doing all in its power to impede corruption and bribery in all their varied forms.

MR. W. E. FORSTER said, he did not intend to follow the hon. Member for Brighton in his remarks regarding the provisions of the Corrupt Practices Bill; nor would he enter into the question as to the probability of a dissolution within a week or a month; but he was delighted to learn from his speech that there would be but comparatively little trouble in passing the Ballot Bill this year, because both sides of the House were prepared to compete in carrying it as quickly as possible. He only hoped that the hon. Member would turn out a true prophet. The hon. Member must, however, allow him to say that if the opinions he expressed with regard to that measure had been generally enter-

tained throughout the country the question of the Ballot would never have been brought to its present stage, and that if the Ballot had always been supported by its friends, as it had been that night by the hon. Member, the House would not at that moment have been discussing a Ballot Bill. It was quite true that the Ballot Bill, like any other measure, had its advantages and its defects, and that possibly its provisions might not afford a perfect cure for all the evils which had been pointed out; but he could not agree with the hon. Member that if a General Election were to be held under it there would be no security against political corruption. His impression was that it would give very considerable security. With reference to the speech of the hon. Member opposite Sir Michael Hicks-Beach, he begged gratefully to acknowledge the kindness with which he had stated that he did not intend by his Amendment to offer any opposition to the principle of the measure, and that he was going to confine his efforts to making the Bill as perfect a measure as possible. The hon. Member had, however, asked the Government why they had separated these two Bills. The short answer to that question was that from the experience of last year it appeared that the two Bills were of such importance, and involved so much detail, that it would be preferable to bring them separately before the House. In the Bill of last year some provision had been made in reference to corrupt practices in consequence of the recommendations of the Committee, and it was felt that as the subjects of the Ballot and of corrupt practices were each likely to excite considerable attention in that House, it would be unwise to combine these two important matters in one Bill. At the same time he could assure the hon. Gentleman that it was the absolute intention of the Government to do their best to bring the Corrupt Practices Bill under the notice of the House, so that it should this Session be passed into law. This had been evidenced by their having introduced the Bill, and having proposed its second reading at the same time as they had the Ballot Bill. With regard to the actual Motion of the hon. Member, he should be willing to accept it upon the understanding that it would not have the effect of throwing the two Bills into one,

but would merely avoid the delay of a second Motion for the Speaker to leave the Chair before this Bill was considered in Committee after the Ballot Bill had been disposed of, leaving power to the House to determine whether or not the latter Bill should be reported after its clauses had been passed through Committee.

MR. NEWDEGATE: I am not surprised that the right hon. Gentleman the Vice President of the Privy Council should feel somewhat disappointed at the reception which has been given to his measure by the hon. Member for Brighton Mr. Fawcett. The hon. Member has very truly said that below the gangway on the other side of the House there are some very ardent partisans who look on this purely in the light of being a party measure—I speak of the Ballot Bill—and that they anticipate a party triumph upon it, and nothing more. I believe that their consideration of the measure does not go beyond that. Well, now, Sir, I will take this opportunity of stating why, after having given Notice of my intention to oppose this Bill at the present stage, I eventually withdrew my Notice. I did so, because I found that on the Government side of the House those "ardent partisans" were about to drag into a division, in favour of the Ballot, a larger number of Members who have so profited by the discussions of the last Session as to entertain very grave doubts, indeed, with regard to the advisability of this measure. Now, Sir, it is incident to the character of the party opposite that there should be this coercion. When a party is combined merely for party purposes, and for the maintenance of a Ministry, that party containing within itself persons of opinions diametrically opposite upon questions of education, questions of religion, questions of the gravest nature, it is positively certain that the exercise of party authority will be tyrannical, because it is the sole bond that unites the Members of that party. I find, Sir, from private conversations, that Members on the other side of the House have recalled to their recollection the warning given by Lord Palmerston, the substance of which was recognized in the speech of the hon. Member for Brighton. Although he honestly declared—"I have never been in favour of the Ballot, but I have no objection to a further extension of the

suffrage." Now, Lord Palmerston emphatically warned this House that if the Ballot were to be enacted the Legislature would find it impossible afterwards to stop short of the enactment of manhood suffrage. When I say that Lord Palmerston warned the House, I inferred it from his speech, and to me personally, in private conversation he intimated his conviction that it would be impossible to avoid so great a reduction of the franchise, that, to use his own language, it must approach, if it did not reach, manhood suffrage. With the permission of the House, I will read a passage from the remarkable speech in which I find this inference. And let the House remember this—that the right hon. Gentleman the Prime Minister has stated deliberately in this House that the reduction of the franchise, as consequent upon the passing of a Ballot Bill, must be only a question of time; and although the right hon. Gentleman afterwards in some degree retracted that assertion, upon what ground was it that he did so? Merely by stating that last Session the Government had so many measures to deal with, that they could not then contemplate a further reduction of the franchise. That, Sir, was in anticipation of the Ballot Bill becoming law last Session. I will now, with the permission of the House, read Lord Palmerston's opinion upon the subject, because, as this debate is purely preliminary, I think it right to call the attention of the House, and the attention of the public, to that which I know Lord Palmerston believed, and which the right hon. Gentleman the Prime Minister has more than half admitted to be the certain consequence of the passing of this Bill. In the year 1864, while opposing Mr. Berkeley's Motion for the Ballot, Lord Palmerston made the following statement:—

"I object to the Motion, because it is founded on an erroneous assumption. The hon. Member deals with the right of voting as if it were a personal right, which an individual was entitled to exercise free from any responsibility, whereas I contend that the vote is a trust to be exercised on behalf of the community at large."—[*3 Hansard,* clxxvi. 44.]

Then comes the pregnant passage—

"Even if the franchise were ever so extended—even if we had a manhood franchise, if every man arrived at the age of discretion were entitled to vote, it would be only a trust, because there would still be a large portion of the community

—women and minors—affected by the laws, by taxation, and so on, whose interests would be committed to those who had votes. Indeed, our legislation is based on the understanding that a vote is a trust, and not a right. If a vote were a purely personal right, would not a voter be entitled to ask on what principle of justice you should punish him for exercising it in the manner which he thinks most for his own individual advantage?"—[*Ibid.*]

It is a remarkable fact that the Government have dropped the subject of corrupt practices out of their Ballot Bill; and that I hold to be an admission of the truth of the words I have just quoted as spoken by the late Lord Palmerston. I am not surprised that the hon. Member for Brighton—I am not surprised that the right hon. Gentleman below me has an uneasy feeling about the omission from the Ballot Bill of any proposal for staying corruption, because it has been avowed that the effect of departing from the present system of open voting will change the whole character of the suffrage, and will hereafter treat the vote of the elector as a right—that is, as a property and not as a trust. Lord Palmerston continued—

"But you attach a penalty to the man who employs that right of voting in a way at variance, as you deem, with the public interest, for bribery or any other such consideration. I say, then, that a vote is a trust, and I maintain that every political trust ought to be exercised subject to the responsibility of public opinion. The whole political framework of civilized nations rests on the principle of trust. The interests of the community are in various degrees, more or less important, committed to a selected few who are charged with duties, in regard to particular things, on behalf of the people at large; and their action in fulfilling that trust ought to be subject to responsibility towards those on whose account they exercise it. But I contend that the Ballot as proposed is intended to withdraw the voter from that responsibility, which the public exercise of the trust confided to him would impose, and in that respect I think it would be a political evil. We have been told about the system in other countries—in America, for instance. But in America, as everybody knows, ballot voting is not secret. It is ticket voting. A man votes for a great number of officers at a time, and he sticks his ticket in his hat, and is proud of the party and the cause he espouses: he does not think of concealing the members, judges, governor, or other officers appointed by public election in the United States for whom he gives his voice. The Ballot, then, I hold, is founded on a mistake in principle, and is at variance with the fundamental assumption on which all our political institutions are based."—[*Ibid.*]

Now, Sir, I wish to re-call the attention of the House and of the country to that opinion of Lord Palmerston, and to show

them that we are now entering upon a fundamental change in our electoral system which must inevitably entail other changes, and that these other changes must be in the direction of a great lowering of the suffrage. I stated, when this Bill was introduced, that it was idle to expect me to defend the system of county franchises under which only 412 occupiers and 412 freeholders vote, if they are to give their votes in secret. Why, for the great bulk of the population resides in the counties beyond the boroughs; and how am I to justify a system which having been opened on the understanding that each voter votes as a trustee subject to public responsibility, is suddenly and fundamentally changed in this respect, that the voter is no longer to act as a trustee, but is to be a private dispenser of his vote as if it were his own personal property. For that is what it amounts to. How can I possibly defend the restoration of the county franchises to the 412 freeholders of the county who form the bulk of the population when this bulk is gone to the boroughs, so that every franchise is exercised by that which will become under the Bill a property, and has a value?—and they get up to 100,000, for example, and say, "We have got 100,000 possessed of the franchise, and we have got 100,000 not possessed of the franchise." That is the

vote in respect of other qualifications. No, he told me: I see no stopping place which, on principle, is defensible in justice or in argument: if once you adopt the Ballot, I believe that, ere long, you will reach manhood suffrage. I ask this House, then, and I ask the country to consider carefully and gravely the extent of the consequences which are certain to draw from the adoption of this measure. Sir, it is the misfortune of political assemblies such as this that, having once committed themselves, they cannot easily recross: and I believe that another change which must ensue will be the shortening of the duration of Parliament. When elected by manhood suffrage, we shall be in the position of delegates rather than of representatives, and it will be essential that Parliament should be more frequently dissolved in order that our instructions may be renewed. How Members opposite have treated this as a party question and have committed themselves to it, and I know that in many cases they regret the votes that they have given, especially in the first instance, and would now willingly withdraw them. I found that if I divided the House on the Motion that you do leave the Chair, I should have been doing the work of the two Houses, the Member for Shropshire No. 170, said, that I should have been strengthening his hands in opposing a proposal from Members of the House of Commons such as you presented to the House before the election by the name of the Bill of Rights. It is a fact that the House of Commons gives us such an example of self-government under the Constitution as we have in the Legislature of New York. You are engaged in defining the boundaries of the principle of self-government in order to ascertain the extent of the State of New York, and to ascertain under which circumstances a government can exercise and maintain its functions. We have established the principles of self-government in New England adopted by the Americans; and we have established the principle of the Ballot, and we are about to change the principle of self-government in New York.

there was a party infatuation, it is evinced by the urgency with which this measure is forced upon us. I will not deny that there are sincere advocates of the Ballot. There are, for instance, Gentlemen of very Democratic opinions who are in its favour. Republicanism has found a voice in the hon. Baronet the Member for Chelsea (Sir Charles Dilke). Ultramontanism, as is well known, is represented here by the Irish Members; and there is lurking in this House another disposition, not much evinced perhaps, but nevertheless showing itself in the promotion of every measure for centralizing administration, a desire to assimilate the Government of England to the principles of the Government of France under the Empire which has been just broken up. That Empire was a despotism founded on a Democratic basis. The Ultramontanes are sure to promote an approximation to that system, because the experience of the world has shown that it is that under which they are most sure of acquiring the greatest influence over the Government. They work upon ignorance wherever they find it. They propagate superstition which gives them a handle over ignorance; and here is the Legislature of England, having only two Sessions ago proclaimed that there was a deficiency of education among the masses of the people, and expressed the anxiety it feels at the qualified reduction of the franchise under the Act of 1867, on account of the ignorance of the people; here, I say, is the Legislature of England thrusting on a measure which must end in bringing down the suffrage to a still lower grade, down to the very mass of ignorance, an ignorance you will not allow yourselves time to elevate before arming it with a secret franchise. Is this, I ask, common sense? An American gentleman has said of the present Government that they have abundant talent but no practicality, and from the correspondence which I have had with America, I believe that they look on the step which England is now taking, by the adoption of the Ballot, as a step condemned by their own experience, and a proof of dotage on the part of the mother country.

SIR WILFRID LAWSON: I rise to Order. I wish to know, Sir, whether on the Motion before the House, that the Corrupt Practices Bill be referred to

the same Committee, the hon. Member for North Warwickshire is in Order in making these remarks.

MR. SPEAKER: I cannot say that the remarks of the hon. Gentleman are out of Order.

MR. NEWDEGATE: I thank you, Sir, for that decision. I certainly thought that the present Motion was exactly fitted to the topic of my speech, which is, the effects to be anticipated from the Ballot—the adoption of the Ballot. I have not yet reached the other branch of my subject. It is my belief that your Corrupt Practices Bill will be as futile as your Ballot Bill will be pregnant with evil, and that you ought to wait for the experience of America as to the provision of some means that are compatible with the Ballot, by which you may grapple with corruption. While an officer of the Government was speaking on it the other night, I mean the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Dowse), he said that bribery will always exist. Yes, certainly, under the Ballot, and he fathered this measure as an Irish measure. Sir, it is an Irish Bill. You have no case for it in England; you have no case for it in Scotland. But in Ireland, owing to the misconduct of elections, there is cause for some great change. No wonder that the right hon. and learned Gentleman the Attorney General for Ireland fathered the Bill as an Irish measure. It is another instance in which the free and orderly people of England and of Scotland are to be dragged down from their present enjoyment of free institutions, which are adapted to their character, and for the enjoyment of which they are qualified by their conduct, in order to be subjected to institutions fitted only for the miseries of Ireland, which we have never yet been able effectually to eradicate. I say that the Prime Minister spoke truly when he said that he lamented what he conceived to be the necessity for this measure, and that it was a lamentable alternative. I contend that there is no necessity for this measure, except it be the necessity of party? I say that out-of-doors there is no active demand for this measure. I say that, in the constituency which I represent, including Birmingham, the idea of this secret system of election is very much disliked; and that the Liberals themselves are beginning to see that the

introduction of this secret system will be the certain forerunner of other Democratic changes. Then we have Her Majesty's Government ready at all times to cast an imputation at the head of the right hon. Gentleman the Member for Buckinghamshire [Mr. Disraeli] for the Democratic character of the Reform Act of 1867, and which they declare created the necessity for the Ballot, which is simply untrue. They ought to have learnt from their late Leader that the adoption of the Ballot is in reality an infinitely more Democratic measure than the Reform Bill passed at the instance of the late Government. What consistency is there in such conduct? What respect for the institutions of this country? I remember Earl Russell, then Lord John Russell, once saying that he did not deny that with manhood suffrage, as a consequence of the Ballot, a firm Government might be established here or elsewhere; but then, he added, remember it will be less adapted to the institutions, to the state of society, and to the distribution of property in this country than in the new colonies, whose example you invite us to follow; remember that it will be pregnant with changes hereafter which there is no scope in the colonies; remember that its revolutionary character in this old country will be reflected in that which it has been in the colonies. Well, who can deny that? Yet you consider it us but a single example for the adoption of secret voting, and that single example found in one of the youngest colonies of the Empire. I have said that this is an Irish measure. I repeat that it is an Irish measure; and that the necessity for it is, or rather I would say the excuse for it, is only to be found in Ireland. I say that the propagation of this measure is a device of the priests, whom you called clerical, and this I do not say from my own authority. The priests used to struggle with the people of Ireland at this moment. It is a well-known fact that the priests are instrumental in the success of all the Right Hon. Gentleman's policies, and I have heard various pamphlets on the subject of Roman Catholic Priests, and

the National Schools. It is a very able pamphlet, and in it he touches upon the subjects which are now occupying the mind of Ireland. He says—

"Three objects now float on the agitated surface of the Irish political sea—denominational schools, Home Rule, and vote by Ballot."

He then describes the rivalry between Denominational Education as the ecclesiastical nostrum, and Home Rule as expressing a mistaken admiration for freedom on the part of the laity. He says—

"The priests are navigating the school question, unaided by the laity; the laity conduct Home Rule unaided by the priests; and vote by Ballot is allowed by both these parties to drift on to its festined port upon the current of Ministerial indifference and power. The leader of the priests—that is, Cardinal Cullen—is not a desperado, but a cool, far-seeing, and hitherto successful ecclesiastic of the medieval type. His policy is to hide his aims, to concentrate his own forces on vulnerable points, and to crush his opponents in detail. While he and his subordinates have cautiously abstained from giving help or countenance to the Home Rule section, they have equally refrained from every expression, which may hereafter bring upon them the reproof of inconsistency, when the school question being happily settled) the Home Rule pear will be ripe. In the meantime they look upon the Ballot as an accomplished fact, and although they regard it as a powerful arm for the battles yet to come, some of them, whether sincerely or craftily, express apprehension of the effects of that measure on the indifference which they have, and which they prize, over the minds of the voters. There is no foundation for their fears, if any such fears exist. The Ballot will enable every voter to support whatever candidate he pleases, and adopting that 'most successful principle' of keeping his secret from brother and from son, so clearly explained by the Rev. J. Ryan, he may annex his uniform, or his creditor, or his friend, with promises before the election, and with significant assurances after it, and thus escape the resentment of all, except the priest. If you give him a certain escape—if he commits the mortal sin of voting against the right man, he can always get out of the bad consequences of hell for heaven or for hell, and he will be the worse. The Ballot, therefore, is a safe weapon of the priests. If with the proper use of it the national schools shall have been established, and a right on the field of party and of politics secured, augmented, then will the priests be the initiators of that question, to carry home the Parliament to the island of Ireland."

Now this description, written by a Protestant lawyer of education, by a man of experience, tallies so closely with a description of Cardinal Cullen and his policy, which has been written by Mr. T. W. H., a barrister, who has written upon the subject of

education in Ireland, under the title *Freedom of Education. What it means.* that I have no hesitation in classing among the real promoters of this measure those who look to the extension of Ultramontane power as the chief object of their desires. Hence we see that the Ultramontanists are generally favourable to the passing of this measure. Thanking the House for having permitted me thus to express my unabated dislike and apprehension of this measure, founded upon my conviction of the political consequences which must flow from its adoption, and believing that its adoption will be found to be a re-opening, not a settlement, of the agitation with reference to the system of this country, I shall vote with the hon. Baronet (Sir Michael Hicks-Beach) for combining the Corrupt Practices Bill with this Bill; because, like the hon. Member for Brighton, I feel no confidence that, when the party opposite have triumphed as to the Ballot, we may be left in the lurch to seek for those means of correction, futile as I fear those now proposed will prove, against that corruption which has grown up under the Ballot as it now exists in the City of New York.

Lord JOHN MANNERS said, he thought that the speeches they had just heard contained matter for grave consideration by the House and the country, because the danger and inexpediency of the Government in pressing forward this secret voting question could not be overstated. He understood, however, the right hon. Gentleman who had charge of the Bill to assent in substance to the suggestion to refer both Bills to the same Committee; but he wished to inquire in what sense and to what extent they were to understand the assent as being given. The right hon. Gentleman said that if the House were so disposed both Bills would be proceeded with in the same Committee without first reporting the Ballot Bill to the Speaker; but he understood him also to say that the House would reserve to itself the power to refuse to proceed with the second Bill. Now, "the House" was an abstraction, and he wanted to know whether the Government would undertake that the House should not be moved by the Government to take the step of proceeding with the third reading of the first Bill before the second should have passed through Committee. In

assenting to the form of the Motion, would the Government bind themselves to assent also to its spirit, and to carry out what was intended, so that the House should not get rid of the Ballot Bill before they had finally digested into proper shape the provisions of the second Bill, many of which were necessitated by the provisions of the Ballot Bill itself? He was astonished to hear the right hon. Gentleman say that the second Bill did not relate to the subject of the first Bill. Could the right hon. Gentleman say that the Ballot Bill, which would give increased facilities for personation, was not closely connected with the clauses in the second Bill to punish personation? There was a vital connection between these two things, as the hon. Member for Brighton (Mr. Fawcett) had so clearly explained.

Mr. W. E. FORSTER said, he would, with the permission of the House, answer the question, though he thought that he had already made a clear statement. He did not think that they could draw a distinction between the form and the spirit of the hon. Gentleman's Motion. Her Majesty's Government accepted the Motion according to its meaning by the Rules of the House—namely, that it put them in this position, that, without the necessity of having to move the Speaker out of the Chair again, they could, if the House wished, proceed in Committee with the clauses of the Corrupt Practices Bill after disposing of the clauses of the Ballot Bill; but it would be in the power of the House to report the Ballot Bill when they had proceeded through the Ballot clauses. Her Majesty's Government would not give any such undertaking as the noble Lord had asked for. They did not wish to hold themselves bound to either course. Their present opinion was that it would conduce more to the conduct of business in the House to report the Ballot Bill before carrying the Corrupt Practices Bill through Committee. The noble Lord, however, was mistaken if he supposed the Government did not wish to press the latter Bill also through the House.

Mr. G. BENTINCK said, he was quite unable to catch the meaning of the right hon. Gentleman who had just sat down, and therefore he must leave it to others to elicit some further information as to the course which he meant

to take with regard to the two Bills. It appeared to him that the whole of the proceedings with respect to the Ballot Bill had been most unusual, and on the night of the second reading of so exceptional, he might almost say of so ludicrous a character, that he could not but ask leave to advert to one or two subjects which were discussed in the early part of that evening, for as the debate collapsed in the most remarkable manner, no Member in any part of the House had any opportunity of commenting on what had occurred. He had listened with great edification, great amusement, and great interest to the very able speech of the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Powne). That right hon. and learned Gentleman told the House that the Ballot must be passed because it was the will of the great Liberal party that it should be passed. Well, that was a somewhat dictatorial tone to take, and naturally suggested the inquiry how this great Liberal party—this dictatorial party was composed; what were the bonds of union which existed between its parts; and how far did it represent the opinion of the people of this country? The great Liberal party appeared to him to be composed of the most discordant elements, and if any proof of that assertion were wanting it was to be found in the speech of the hon. Member for Oxford (Mr. V. Harcourt), who, with his usual energy and ability, had clearly shown that the great Liberal party was anything but united. The right hon. and learned Gentleman went on to say that this party governed the country. That might be true. He for one thought it a great misfortune that it should be so, but though this great Liberal party governed the country he ventured to suggest that, as a matter of representation, the great Liberal party was not representative of the people of this country. It was admitted by the hon. Member for Oxford that there was a strong desire to have the Ballot Bill passed, and he said that it was but a very small number of the electors that were to be affected by the Bill, and that the great majority of the people of this country, and indeed of the great mass of the electors, had no objection whatever to the passing of the Bill. That was a very forcible and convincing argument, but he could not help thinking that there was something in the speech of the hon. Member for Oxford which was rather like the old story of the man who said that he had no objection to the Bill, but that he had a very strong objection to the man who introduced it.

Now, with all due submission to the right hon. and learned Gentleman, who was a great master of language, of law, and he doubted not of the Rules of this House, such language was hardly befitting a Gentleman in his position. It was not a question of courtesy or discourtesy. The Bill was rejected in "another place" in the exercise of a constitutional right, which this House had no right to gainsay. That right was exercised most judiciously on a former occasion, and he trusted that the same judicious mode of dealing with the Bill would be practised again. The right hon. and learned Gentleman touched upon a subject which he had better have left alone. He went out of his way to assert the utter absurdity of consistency of opinion in that House. He said that a man who could not change his opinion had no opinion worth changing. Now, what was the substance of that argument? It was this—that all political consistency, all political honour was a farce, and that every public man was entitled, at any moment he pleased, to change his opinions for any reason that might occur to his mind without any prejudice to him whatever. That was very lax doctrine of the right hon. and learned Gentleman, and it came from him at a very unfortunate moment. The House had no reason to believe that many of its Members were sincere in the vote they were about to give on this question, for there was, on the one hand, this fact—that the great majority of those who would vote in favour of the Ballot had voted against it consistently for 20 or 30 years, and the House was now told that it was bound to trust in the sincerity of this conversion. He would only make this remark, which would apply equally to both sides, that such was not often, it always happened, when remarkable conversions occurred, they occurred at a time when non-conformists had just taken retirement from office. We were told there was great anxiety for the Ballot. That anxiety was not shown in the counties, it was confined to the boroughs. ["No."] There were exceptions to all rules; but it would venture to suggest to the hon. Member behind him that the county of Lancashire, in his mind was of an exceptionally barren soil. The great cry for the Bill was that there was such a cry proffered from the boroughs, and what

did they want it for? They wanted it, in plain language—for there was no use in mincing the matter—that they might be able to sell their votes with impunity. They wanted the vote to have a money value, and they wanted to get the money value for the vote. There was this difficulty that would arise under a system of Ballot. In the great majority of the counties the Ballot would be rejected with scorn; the people hated the very idea of it. Their pride was to make their opinions as notorious as possible; and therefore he wanted to know how the right hon. Gentleman the Vice President of the Council proposed to deal with a constituency which to a man repudiated any connection with the system of the Ballot? Was it to be penal for a man to disclose how he had voted? Was it to be penal if the whole constituency to a man came to the poll with their colours in their hats? He hoped the right hon. Gentleman would tell them how he proposed to deal with such a case as that, which would be of frequent occurrence. He was in favour of both Bills being referred to the same Committee, not because such a course would be effectual in preventing bribery, but because the plain, simple truth would be shown—if the question was honestly dealt with, that no talent, no combination, no Bill that could be devised by the combined sagacity of the House of Commons could ever prevent unlimited bribery under the Ballot. If it was not known how a man had voted, it was simply impossible to bring bribery home to him. The House of Commons might legislate—they might bring in any number of *Corrupt Practices Bills*, but as long as they could not lay their finger on the man, and say—you voted in such a way, it would be hopeless to try to bring bribery home to him. Hon. Members opposite spoke of the Ballot as being a democratic measure; but, for his own part, he believed it would do much to stifle the free expression of opinion in the case of the great mass of the people. The smaller boroughs would in many cases be sold, like a pair of boots in a shop, while sections of the larger boroughs would be also bought. Under the Bill there would be no power of investigating such transactions, and consequently the independent will of the people of this country in the majority of instances would be placed in the power

of the man who had the largest purse. That was the view of the question which he would recommend to the consideration of hon. Members who believed—and, no doubt, honestly believed—that under the Ballot there would be greater freedom for the expression of political opinion. But, be that as it might, if the Prime Minister persisted in passing a Ballot Bill through the House without dealing with bribery, he would be binding the great Liberal party to the admission that they were perfectly indifferent to the amount of corruption which there might be at elections.

Mr. F. S. POWELL said, he differed from many of the hon. Members with whom he usually acted upon this question, inasmuch as he was a strong advocate for such a change in the law as that proposed. He wished, however, to extract a pledge from the right hon. Gentleman who had charge of this Bill that before its third reading, he would endeavour to advance the *Corrupt Practices Bill* to a corresponding stage. He did not make that suggestion from a feeling in his mind that there was anything in the nature of secret voting which tended to promote corruption. But he made the suggestion from a recollection of what had occurred on a former occasion, when the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) was the Leader of the House on the Treasury Bench. At that time a Reform Bill was pending, having been proposed by the Conservative party. The right hon. Gentleman the Member for Buckinghamshire was then challenged to propose a measure to remedy or prevent corrupt practices, and accepted the challenge, although there was nothing in the Conservative Reform Bill which could be supposed to tend even in the slightest degree to increase corruption. On the contrary, whilst it extended the suffrage, it was well calculated to put an end to practices that were a disgrace to the country. He (Mr. Powell), however, thought it most desirable, when they were re-constructing their electoral system, that the two proposals before the House should be taken as a whole. He doubted whether his hon. Friend below him (Mr. G. Bentinek) had had much experience in borough elections, because he (Mr. Powell) was fully convinced that there was no such feeling in the minds

of the voters generally as that of anxiety to sell their votes. On the contrary, he believed that they wished to exercise the franchise freely, according to their conscience and without intimidation. When, moreover, it was asserted that the country would reject the Ballot with scorn, he must, from his recent experience in the northern division of the West Riding of Yorkshire, be allowed to say that while many Conservative voters accepted it with considerable reluctance, the preponderance of opinion was in favour of the change proposed by the Government. Allusions had been made to the vile practices connected with the elections in America. But he would remind the House that in many of the States of that great Confederation, although the vote was given by Ballot, nevertheless it was given in an open manner. He had had an opportunity of seeing the progress of the elections when in San Francisco a short time ago. He saw tokens given to the voters, and voting papers given into the hands of the returning officer, and by him placed in a box, which was either wholly glass, or glass with a wooden framework.

Now, Sir, he would respond to the general query by mentioning that in the State to which he was returning a large amount of corruption prevailed. In a word, in the State of California, a view of government showed that there was no remedy for the bribery in California except that of making the voting secret, and this was done. He had had opportunities of viewing what was done in the State of California, and of seeing that the result of the election was not at all affected by the secret ballot. The secret ballot did not affect the result of the election in California, and he could assure the House that the secret ballot did not affect the result of the election in California.

of failure of duty, of negligence, or of something worse, on the part of the Returning Officer. As the Bill passed through the House he hoped that care would be shown to insure that votes should be duly taken and reckoned at the right season, and that no other votes except those which were rightly taken should be counted in.

VISCONT NEWRY said, as that was the first time he had had the honour of addressing the House, he hoped he might claim their kind indulgence. He was surprised to hear the hon. Member for West Norfolk (Mr. G. Bentinck) complain of his inability to understand the reply of the right hon. Gentleman the Vice President of the Council to the Question put to him by the noble Lord (Lord John Manners). That reply appeared to him (Viscount Newry) to be very distinct, and was to the effect that the Government, having the power in their hands, would exercise it whenever the opportunity arose. That power, which rested solely on the large majority they had, they could exercise to the fullest extent when the entire measure of the Ballot, or any one of its details was under discussion in that House. He took the right hon. Gentleman's reply to mean that after the Ballot Bill had reached the stage at which all its details had been thoroughly discussed, the Government would, if they thought fit, move that it be referred to Mr. Speaker without waiting for its twin brother, the Corrupt Practices Bill. Now, such a course as that would entirely defeat the object of the hon. Baronet Sir Michael Hicks-Beach, who moved to refer the two Bills to the same Committee. He could not help thinking that they had a right to do so, for *natura* the Bills were closely connected, and certainly required to be discussed together; and yet it was impossible to do so in distinct parts. If the hon. Baronet Sir Michael Hicks-Beach presented to Mr. Speaker a Bill to make the Corrupt Practices Law without the Ballot Bill, it was necessary completely separating the two, *namely* with a Committee, so that the House would not have to discuss them together, and that the evils of the Corrupt Practices Law would not be exposed. He was excessively anxious to know the details of the Corrupt Practices Bill. He did not wish to be understood as in any way crediting that he had any knowledge of the Corrupt Practices Bill, but he had heard secret

voting, although he revolted as much as every Englishman must do at any man being forced to exercise his franchise against the dictates of his own conscience. But if that measure was to become law, the sooner both sides joined in discussing its provisions and in amending them wherever it was found needful, the sooner it would be sent to "another place," and the more time they would have for discussing other measures which had been in abeyance for a considerable time, and the postponement of which had given rise to more complaints from their constituents than anything else. The interest taken by hon. Gentlemen in a very important debate occurring in "another place" and on a different subject, on the very night fixed for the second reading of the Ballot Bill in this House, would not fully explain why, in the Session of 1872, there were only 164 hon. Members present at the division on that occasion. He did not share the opinion expressed by some Gentlemen that secret voting was the demand of the nation. He did not agree that it was so popular a cry. It was, on the contrary, the demand of the majority of that House, and he ventured to add of the majority of that House only. It was for them, therefore, to look those facts in the face, not, as the hon. Member for Brighton (Mr. Fawcett) had said, to mince matters, but to look the worst—if they regarded it as the worst, straight in the face. Gentlemen on his (the Opposition) side of the House saw and counted the number of advocates of secret voting arrayed on the opposite benches. They confessed that they were absolutely in the power of that overwhelming majority, and he thought the time had come when they ought not to procrastinate and put off the discussion of the details of that Bill, but, as it was inevitable, to assist in improving it and send it forward at the proper time. But he trusted that the Government would take their endeavours to assist it in a proper spirit, and would not reward them by dividing those two measures, and advancing the one without the other—a course in direct opposition to the wish expressed by so many of them that evening. In conclusion, he begged sincerely to thank the House for the kind indulgence it had extended to him.

SIR WILFRID LAWSON said, he was glad to hear the excellent advice

just given in the able speech of the noble Lord, that they should not delay their getting into Committee, and proceeding, if possible, with that Bill. He (Sir Wilfrid Lawson) believed that the large majority of the electors were in favour of the Bill which was intended to prevent the venal minority of voters from selling their votes. But he rose chiefly on account of the remarks of the hon. Member for Brighton (Mr. Fawcett). He was sorry to have heard that hon. Member say that the Government were not thoroughly honest with regard to the question of the Ballot, and that if they passed the Ballot Bill they would throw over the Corrupt Practices Bill. He (Sir Wilfrid Lawson) did not think that there was anything in their conduct to warrant such an imputation. He, however, confessed he was no great admirer of any Government. He feared the General Election as much as the hon. Member for Brighton, because there never was a time, as far as he knew, when there was so much money in the country, or so many men anxious to get into that House. He therefore feared that at the next General Election they would see worse scenes of demoralization, corruption, and drunkenness than were witnessed at any previous one, if it were conducted under the old system and on the old lines. He did not defend all the past conduct of the Government on that question, but he thought they were doing what was right now; and the hon. Member for Brighton should remember there was nothing so ill-advised as to abuse repentant sinners. The right hon. Gentleman the Secretary of State for War had stated yesterday that it would have been impossible to deal with Army organization until purchase had been got rid of; and in the same way, it was impossible to attempt political reform until open voting had been got rid of. He honestly objected, however, to deputations calling upon the right hon. Gentleman (Mr. W. E. Forster) to overload the Bill with numerous reforms which, however desirable they might be in themselves, might well be deferred until secret voting had been secured. His (Sir Wilfrid Lawson's) advice was to pass one measure at a time. They had a good Bill in the present measure. Let them adhere to it and pass it, and then all other reforms would follow. He repudiated altogether the notion that the

Ballot Bill was a party measure. Indeed, Conservative speakers continually foretold that it would benefit their party, but he should support it even though he believed that it would fill the House with hon. Members holding the opinions of the hon. Member for North Warwickshire (Mr. Newdegate). With regard to the immediate question before the House, he should have thought it settled after what the right hon. Gentleman the Vice President of the Council had said, because there could be but little disadvantage in sending the two Bills before the same Committee. All that he desired was, that the Government should push on the measure for secret voting as quickly as possible, and were they to do so, he could promise them the support of many Gentlemen on that side of the House below the gangway in settling this long controversy of 40 years' standing on the grounds of freedom, justice, and good government.

Mr. CAWLEY said, he wished to point out that if the Motion of the hon. Baronet (Sir Michael Hicks-Beach) was agreed to in the sense in which it was understood by the Government, it would not prevent the first Bill from being reported, as soon as its clauses were disposed of, but would simply preclude any discussion on going into Committee on the second Bill. Now, one Bill ought not to be advanced without the other, for the second contained provisions as to the validity of votes on which the very result of the election might depend, and he proposed to raise the question hereafter whether these matters should be raised on petition, or at an earlier stage. The first Bill was really one for the protection of the dishonest man who personated another, and for the disfranchisement of the voter personated. Moreover, the remark of the hon. Baronet (Sir Wilfrid Lawson) that the Ballot was but the beginning of reform, betrayed a feeling that it was applicable only to manhood suffrage, and that no machinery could be devised to prevent personation with a limited suffrage. It has been assumed, especially from the observations last year of the hon. Member for Stockport (Mr. Tipping), that the boroughs were in favour of the Ballot, but this was certainly not the case with his own borough (Salisbury), a large working-class constituency, for he had twice challenged the electors in pub-

lic meeting assembled to evince such a feeling, but without result. It was true that there were persons who would like protection from undue influence on the part of employers and trade unions; but they were sensible that the Ballot would not effect that, and that it would introduce greater evils than those it professed to cure.

Mr. W. FOWLER said, it was absolutely necessary that the Government should introduce clauses into the Corrupt Practices Bill that would prevent corrupt practices at municipal elections. It would otherwise be a very imperfect measure, for at Beverley and in other cases it had been shown that the weapons of corruption at Parliamentary elections were forged at municipal elections. Unless the whole question was dealt with in one Bill the country would be disappointed.

Mr. HUNT said, he would appeal to the Government to accede to the wish of many hon. Members that the two Bills should leave the Committee simultaneously, it being admitted that the first would be very imperfect unless accompanied in the same Session by the second. If they thought this course inconvenient, they might at least agree that the one Bill should not be read a third time till the other was out of Committee. In default of such a concession, asked for in good faith and with a desire to make legislation as perfect as possible, he should advise the hon. Baronet (Sir Michael Hicks-Beach) to move that the two Bills be consolidated into one, and to take the sense of the House upon the proposal.

Mr. CORRANCE said, he had much pleasure in supporting the proposal that the two Bills should be sent to the same Committee, with this mental reservation, that both might go into Committee and never come out again. It would be well for the House to inquire how far the measure deserved to go into Committee. After suffering a damaging criticism last Session, how was it reproduced in this? Although the right hon. Gentleman (Mr. W. E. Forster) had had the whole of the Recess for collecting information with regard to the reception of the Bill, he again brought it forward without stating any new facts affecting the question. He need not have gone far for these new facts, for they cropped up on every hand; not only in this coun-

try but in America, to which repeated reference had been made in the course of debate on this measure. Surely after what occurred last year it behoved the right hon. Gentleman to obtain fuller information on the working of the Ballot system. An American newspaper had recently given a very bad account of the working of that system in New York, and *The Westminster Review*, which was by no means supposed to write in a sense hostile to popular opinions, said there was too much reason to fear that there was no political morality in the colony of Victoria, and that on the part of politicians there was a vulgar scramble for place and pensions. The House would recollect the argument advanced, last Session, by one of the spokesmen on the front benches. The Attorney General for Ireland, warning the House against first principles, contended that the Ballot was not un-English. In the mouth of an Irish Attorney General no doubt that was an irresistible argument. The Attorney General for Ireland did not seem to understand what was meant by English and un-English. The Representatives of England had the courage of their opinions before their constituents, and had always dared to do their duty. That was what he (Mr. Corrance) meant by English. When Mr. Laing, on that side of the House, raised the question of the county representation on the consideration of the second Reform Bill, the First Lord of the Treasury observed, in reply, that he was not going to grudge the gift the hon. Gentleman offered to the counties, and that one of his reasons for so agreeing to the proposal was that a larger representation ought to be given to the counties. Accepting the principle laid down by the Prime Minister, it was clear that hon. Gentleman on that side of the House had no inconsiderable claim. Provided they accepted the basis of numbers, they might furnish a strong argument in favour of the counties by the following statistics:—According to the Census of 1871 the number of the population was—in boroughs, 10,655,930; and in counties, 12,048,178. The number of inhabited houses, with heads of families: in boroughs, 1,812,685; in counties, 2,416,347. The rateable value, taken in the gross, in 1865—boroughs, £39,218,717; counties, £59,695,501. The assessed taxes paid in 1856—boroughs, £803,986; counties,

£1,062,564. In 1869, the voters in boroughs, 1,203,170; in counties, 791,916. These figures furnished a conclusive argument, so far as the claims of the counties were concerned. When Mr. Laing brought forward his Motion, it was objected that the county population was an ignorant, uneducated population, and not fit to be trusted with electoral privileges. Since that time, however, the right hon. Gentleman the Vice President of the Council had introduced an Education Bill, whose main provision was not so much for the educational deficiencies of counties as for those of boroughs. That argument also was disposed of. The conclusion at which he arrived was, that the existing provisions of this Ballot Bill were utterly unsatisfactory, and were calculated to lead to dishonourable compromises. He concurred in the opinion expressed on that side of the House that the measure could not be considered as a final one; but that it must be succeeded by another Bill for the redistribution, not only of the franchise, but also of representation. The general effect of the present Bill would be to throw the representation into the hands of organizations of a dangerous description, who might by that means increase the anarchy of Ireland.

MR. ILLINGWORTH said, he hoped the right hon. Gentleman the Vice President of the Council would adhere to the determination he had announced to the House. It was desirable, even if there were no Ballot Bill before them, that there should be a measure to amend the evils existing under the present system of voting; but he held that this Bill provided for a class of evils altogether separate from those arising from corrupt practices. It would protect honest but dependent voters, while the Corrupt Practices Bill dealt with men who were dishonest and corrupt. Having been connected with six Parliamentary elections in five years, he was justified in saying that if the Bill passed, the House would receive the thanks of the constituents. The feeling in its favour was universal, and the House would receive the thanks of the nation. The newly-elected Member for the North-west Riding (Mr. F. S. Powell) would have had no chance of being returned, if he had not declared himself to be an adherent of the Ballot. ["No!"] Well, it secured for him an immense amount of popular support.

Personally, he would be glad to support the Government throughout the passing of this Bill.

MR. BERESFORD HOPE said, our present system of conducting Parliamentary elections was far from satisfactory. He was convinced that the Bill, pure and simple, being intended only to secure a good system of taking the votes, would not go to the root of the existing evil : on the contrary, it would intensify the mischief which already existed. The one great defect in our present electoral system might be summed up in one word, "corrupt." If the object was to get rid of corruption, he did not see how corruption could be cured by changing the existing system in such a way that the persons corrupted could not be traced, and the agency by which the corruption was carried out was rendered nebulous and uncertain. The good was doubtful, the evils were palpable, involving a change from openness to underhandedness and dodging. The second Bill of the Government, as far as it laid the axe to the root of corruption, met the entire support of Members on his side of the House, who asked that the Government should show equal regard for that Bill. Parliamentary reform in its true sense should be done thoroughly and at once, all the various schemes for preventing corruption being taken together. The Government said they were willing to refer both Bills to the same Committee ; but the Ballot Bill was to be reported first. When, then, would the House have the Corrupt Practices Bill, from the Committee before the House ? Why did the Government press on the one contentious portion of the scheme, instead of going unanimously into the other, in which they would find a general support ? The Government talked of reporting the Ballot Bill first, but in proceeding with the Corrupt Practices Bill, they had not told the House what they intended to do with regard to the third reading of the Ballot Bill. Did the Government, when they asked, promise to go on at once with the two Bills ? He had asked Sir Michael Hicks-Beach to reply to his question, to which he had said that he could carry out the suggestion of the hon. Member for East Retford, assuring Sir Michael Hicks-Beach that he would support the Government in all their attempts at the reformation of the machinery of Parliamentary elections.

He trusted that the hon. Member for Gloucestershire would take the advice of his right hon. Friend the Member for North Northamptonshire (Mr. Hunt), and move that the two Bills be consolidated.

MR. J. LOWTHER said, the Corrupt Practices Bill was one of no inconsiderable importance, although he must confess that almost everything which one would naturally expect to find in such a Bill was absent in the proposal of the Government, who had admitted that the question had been by no means settled by the Act of 1868, for the Prime Minister had last Session agreed on his (Mr. Lowther's) Motion to the appointment of a Committee to consider the subject. The facility with which petitions were presented for the purpose of obtaining the costs, with a view to their ultimate withdrawal, showed that much yet required to be done beyond what had been effected by the legislation of four years ago. Indeed, nothing in his opinion tended so much to prevent the class of men whom the constituencies throughout the country would desire to represent them from coming forward as the presentation of what he must term fraudulent and vexatious petitions. The Corrupt Practices Bill of the Government, however, instead of dealing with that part of the question, was almost entirely confined, with the exception of the 5th clause, which related to public-houses, to the imposition of penalties for that form of corruption which might be supposed to follow the adoption of the Ballot. That showed that it did not profess to be in every way a comprehensive or satisfactory amendment of the existing law. He hoped, under those circumstances, his hon. Friend the Member for Gloucestershire (Sir Michael Hicks-Beach) would not be satisfied with a compromise which was merely an attempt to evade the just expectations of the House. He, for one, unless he was distinctly assured that the Ballot Bill would not be reported until the Corrupt Practices Bill had passed through Committee, would undertake to move that it be an Instruction to the Committee that they should have power to consolidate both into one measure.

MR. ANDREW LUSK protested against the assumption of some hon. Gentlemen, that everything connected with municipal corporations was corrupt.

He most emphatically denied that there was anything like corruption in London, at all events. He had asked his hon. Friend the Member for Edinburgh (Mr. McLaren), and had been told that he never heard of such a thing; and he had also asked the hon. Member for Birmingham (Mr. Muntz), and was told that he also had never heard of such a thing in Birmingham. It must not be assumed that every corporation was corrupt. There were, however, some persons who thought all but themselves were great sinners; but he never heard a man speak of others in that way without his having his doubts as to whether such man was himself sound. He saw no necessity, then, for mixing up corruption with the Ballot. They had nothing to do with one another, and our fellow-countrymen who possessed the franchise had a right to exercise it in the way most conducive to their own comfort without molestation, which could only be done by the adoption of the Ballot.

MR. SCOURFIELD, in the words of Mr. Burke, said, before he agreed that every man should be allowed to do as he pleased, as had just been suggested, he should like first to know what every man was pleased to do. With regard to the Bill, he thought it was treating it in a very narrow way to consider it as merely affecting the interest of a particular party. He looked at it from the broad point of view of its general effect, and, in coming to an adverse opinion, he had been much influenced by the arguments used on the subject in 1853 by the late Liberal Lord Advocate of Scotland (Mr. Moncreiff) who had then said, with regard to the machinery—

"That, however able and fair the administrators of the Ballot might be, no one would ever feel that he had been fairly dealt with; every person would suspect his neighbour; and that it would be impossible to convert a knave into an honest man by making it impossible to distinguish between an honest man and a knave."—[See 3 *Hansard*, exxviii. 215.]

That speech he would recommend to the attention of the Members of the House.

MR. GLADSTONE: Sir, I think it very desirable that we should have some fruit from the lengthened debate which has taken place on the Motion of the hon. Baronet the Member for Gloucestershire (Sir Michael Hicks-Beach), and after hearing the various suggestions which have been thrown out, I

am desirous to state the basis on which we may consent to meet the views of hon. Gentlemen opposite, and in what respects it is impossible to do so. The hon. Member for the University of Cambridge (Mr. B. Hope) charges us with accepting the letter of the Motion and breaking faith with its spirit. How we can be expected to keep faith with the spirit of a Motion which we did not invent, and with which we have nothing to do, I do not know. I object to hon. Gentlemen importing into a Motion something which they did not mean. If the hon. Member wished the two Bills consolidated, it was open to him to say so in his Motion. There is nothing in the forms of the House to prevent it, and I think that nothing could be more ingenuous than the conduct of my right hon. Friend (Mr. W. E. Forster) when he said he did not think the Motion objectionable in itself, but that he could not consent to the union of the two Bills. There is in this House a large majority in favour of secret voting, and a considerable minority unfavourable, and those who are unfavourable contend that to pass the Secret Voting Bill would open floodgates through which there would come a fresh deluge of corrupt practices. They are, therefore, perfectly consistent in saying, before you inflict on us that deluge, give us a perfect army of securities against corrupt practices. But, however desirous we may be to consult the wishes of the minority, we must consider the wishes of the majority, who do not admit the proposition that the Ballot, pure and simple, taken by itself, is likely to increase corrupt practices; but contend, on the contrary, that it is likely not perhaps to extinguish, but, at least, to diminish them. It is, therefore, too much to ask them to consent to delay the passage of the Ballot, for the purpose of going over the whole matter contained in the Corrupt Practices Bill, and not only to consider that measure in all its details, but the details of all the Acts referred to in the 6th clause, the whole of the electioneering practices, and corruption of every kind. One objection to that proceeding is, that it will tend to delay measures in respect to which hon. Gentlemen opposite are extremely anxious, such as the Mines Regulation Bill and the Scotch Education Bill, which would undergo most vexatious delays if we imported all the

topics which can be brought under discussion beneath the shadow of the Corrupt Practices Bill. I am prepared to admit, in order to meet the views of hon. Gentlemen opposite, that if they can show that there is any portion of the Corrupt Practices Bill which stands in direct relation to the Ballot Bill, there would be a fair case for asking that it should be disposed of simultaneously. If they are not satisfied—and they do not appear to be—with the distinct obligations under which we lie to pass the Corrupt Practices Bill during the present Session, let us look at it and see what part is more directly related to the present Bill; and I am prepared to admit that the 2nd clause, which relates to personation, and the 3rd, which directs the vote to be struck off for bribery, treating, and undue influence, is in direct relation with the Ballot Bill; and we now make this offer—which we think is a fair one, that if it will satisfy hon. Gentlemen we are willing to import those two clauses into the Ballot Bill; but we cannot consent to import into it all the questions relating to the legislation on corrupt practices. If that offer is accepted we shall be very glad: if not, we have no course but that of submitting to the judgment of the House.

MR. DISRAELI said, when he first listened to the right hon. Gentleman he was not quite satisfied, because the right hon. Gentleman's argument seemed to be—"there was no connection between the Ballot Bill and the Corrupt Practices Bill, except the general connection resulting from the fact that they both treated of Parliamentary elections; and if they entered into an engagement to pass both Bills, the whole time of the Session would be taken up, to the detriment of the other important measures." It appeared to him (Mr. Disraeli) that, if anything, that was an argument against bringing forward the Ballot Bill. He did not think there was any demand from the country for that measure: and at the close of last Session he had shown by reference to documents that only one-quarter of the Members of that House were pledged to the Ballot. As the right hon. Gentleman proceeded with his remarks the only inference he could gather from them was, that there was no chance of the Corrupt Practices Bill passing this Session. Indeed, that

Mr. Gladstone

must be the practical result if the other important measures, to some of which the right hon. Gentleman had referred, were to be considered, as all would allow that they must be. It was admitted that personation—one of the greatest evils connected with elections—would be aggravated by the Ballot, because under secret voting it might be practised with little chance of detection; and yet, after all, the only remedies proposed for personation were contained in the Corrupt Practices Bill. At the same time, he thought the offer just made by the right hon. Gentleman was a fair one, which should be considered in a candid spirit, and if matters could be arranged in that way, and the House was in that humour, they might have the opportunity of proceeding with both Bills at the same time. In any case the House ought to be allowed to legislate on the subject of personation simultaneously with the Ballot, and, under all the circumstances, he hoped his hon. Friend (Sir Michael Hicks-Beach) would accept the offer of the right hon. Gentleman at the head of the Government. His hon. Friend's interposition that evening, as on all former occasions, had been of an essentially practical nature, and had rendered good service to the House, and he thought both sides might agree with perfect honour and satisfaction to the conditions suggested by the right hon. Gentleman opposite.

Question put, and agreed to.

MR. CAVENDISH BENTINCK said, that in moving the Instruction which stood in his name, he was aware he had undertaken a task of much difficulty, especially because a Motion in similar terms, which he had placed upon the Paper last Session, had been treated almost with ridicule by the Prime Minister, and by newspapers writing in his interests. He (Mr. Bentinck) did not press the question last Session, because he desired not to impede the progress of the Ballot Bill, to which he had never raised any undue obstruction. But the proposal contained in his (Mr. Bentinck's) Motion was even more necessary now than last year, because the Prime Minister had been driven to attempt to re-establish his waning power by several acts of an arbitrary nature. He had seized the power of the Crown; he had defied and ignored the other House of

Parliament; and he had introduced and partially carried in that House reforms which threatened to extinguish the rights of independent Members. It had been lately said by the Chancellor of the Exchequer that the House of Commons had nothing to fear in these days either from the action of the Crown or other external force; but he (Mr. Bentinck) maintained that a power had sprung up far more dangerous to the liberties of the House of Commons than the despotism of the Crown was, and he would define that power by a phrase borrowed from the hon. Member for Brighton (Mr. Fawcett) and would call it "Political Exigency." Political exigency had so ruined the party which sat on the side of the House which he occupied, that it was more than doubtful whether they could accept office even if offered to them. Nor were the occupants of the opposite benches in better plight, for owing to the action of "political exigency," they had now, according to his hon. and learned Friend the Member for Oxford (Mr. Vernon Harcourt) to "mourn over the broken fortunes of a shattered and disheartened party." He had not better proof of his case than the conduct of this very Ballot measure. How did it come to be a Government question? In 1868 the Prime Minister, through the length and breadth of his Lancashire speeches—and the right hon. Gentleman was never concise—on no one occasion referred to it, and it was not until 1869 that his noble Friend the Secretary for Ireland (the Marquess of Hartington) was put forward as a feeler, or, rather buffer, to ascertain whether it would do for the Government to commit themselves in the matter. He must contrast their conduct with his experience in the House—how, year after year, the late Mr. Berkeley formerly brought this subject forward. Then the Prime Minister and his Colleagues would not hear of the Ballot, and he (Mr. Bentinck), if he had the descriptive powers, should wish to paint the dismay of many who now sat on the opposite benches when on one occasion, by some inadvertance on the part of the Government officials, which doubtless the right hon. Gentleman in the Chair would recollect, Mr. Berkeley's Motion was carried. Doubtless the right hon. Gentleman would also recollect how he (Mr. Bentinck) and many others had been implored to seek their Friends,

to remain in their places, and even to talk against time, to prevent the calamity of the success of the Ballot. But now, under the baneful influence of "political exigency" the Government had submitted to change their policy, and adopt the cry for secret voting. What remedy was there to meet the evil results of political exigency? Perhaps the Chancellor of the Exchequer would suggest, as the proper course, to leave everything to the guidance of the excellent Government with which he thought the country was blessed, and urged that if they left them alone and ceased to vex them with either Motions or Questions, every political and administrative want would be supplied. But he (Mr. Bentinck) did not think the country at large would agree with the Chancellor of the Exchequer. But he (Mr. Bentinck) had also his remedy to propose—namely, the proposition contained in his Motion. He supported his proposition upon two main grounds—first, upon "constitutional principle," and secondly upon "public policy." The House was naturally not fond of quotations from legal text writers, but upon the first point he must ask leave to cite four or five lines of one of the greatest authorities on the subject, the late Sir William Blackstone. Sir William Blackstone lays down the principle in the following words:—

"In so large a State as ours it is very wisely contrived that the people should do that by their representatives, which it is impracticable to perform in person. . . . And every Member, though chosen by one particular district, when elected and returned, serves for the whole realm. For the end of his coming thither is not particular but general; not barely to advantage his constituents, but the common wealth (as appears from the writ of summons), and therefore he is not bound like a deputy of the United Provinces to consult with or to take the advice of his constituents on any particular point, unless he himself thinks it proper or prudent to do so"—[Blackstone, I. 2.]

The doctrine thus laid down by Blackstone is in entire accordance with the Rules and practice of this House. The exclusion of Strangers, and that the debates were not to be reported, was to ensure that their votes and deliberations should not be influenced by any external pressure. The constitutional principle was, in fact, that the constituents were to elect the best men they could find to sit in the Great Council of the Nation, not to represent individual opinions, but to advise the Crown for the general good, and hence safeguards were provided to

secure an independent action. As regards his argument founded upon public policy, he maintained that the system of Parliamentary pledges was entirely opposed to public policy. These pledges, which were almost unknown before 1832, came into fashion with the Reform Bill of that date; and had converted candidates into speculators in public opinion, and representatives of the Commons into mere delegates of sections of the constituencies. These results were opposed to reason, common sense, and expediency. For Judges and juries, or directors of public companies, to have made up their minds on important questions before hearing the arguments would be deemed monstrous. But was it less absurd for Members of Parliament to come pledged up to the neck on matters which were to be solemnly argued before them? Or what, under such circumstances, was the use of debate, or of the liberty of speech, which the Speaker, on the meeting of every New Parliament, craved from the Crown? In his (Mr. Bentinck's) opinion, men who accepted pledges contrary to their true sentiments were guilty of corruption in its worst form, and deserving of far heavier punishment than the poor freeman who sold his vote for 5s., or the potwalloper who gave his support for a glass of beer. Moreover, these pledges were especially injurious to the working class. Working men, above all others, required honest representatives; or they were liable to have the representation seized by a small energetic section amongst them, or trades unions, and thus defeat the object of Parliamentary institutions. The working men, as a body, therefore, would be benefited by having Members who would exercise an unfettered vote. Attention had lately been called to "Speaker's lists." These, perhaps, might never be heard of again, but a practice, equally noxious, was the pressure brought to bear of late years on Members who showed any independence. Meetings were got up in their boroughs, at which the Members were denounced, and warned that unless they submitted to the iron will of the Treasury Bench, they would have no chance of re-election. There had, perhaps, been a partial re-action against this dictation, but his proposal was the only effectual remedy for it. With regard to precedents, the secret vote was almost

universal in foreign Legislatures. He had recently seen it practised in the Italian Chamber. There existed a power to vote secretly in the Legislative Body of the last French Empire, and the secret vote was absolute in the Constitutional Government of France from 1840 to 1845, when it was abolished on the Motion of M. Duvergier de Hauranne, made at the instigation of M. Guizot, who made it on the ground that it interfered with his power of control over the Deputies. He (Mr. Bentinck) made special reference to the policy of M. Guizot on this question, because it tended to illustrate and explain a passage in English history to which he was now about to refer. Vote by Ballot was once actually proposed in the House of Commons. By the Journal, volume iv., page 690, it appeared that on the 10th of October, 1846, the question was propounded whether it should be referred to the Committee lately named to consider of a balloting-box, and the use of it, and to present their opinions to the House, and the Question being put whether this Question shall be now put—that is, the Previous Question being proposed—the House was divided. The Noes went forth, in numbers 54, and the Yeas 55; Lieutenant General Cromwell and Sir Arthur Hasilrigge being tellers for the Noes, and Sir Philip Stapleton and Sir William Lewis being tellers for the Yeas. The Question being then put whether the reference concerning the ballot-box and the use of it should be made to the Committee, the Yeas were 54, and the Noes 56, Sir Philip Stapleton and Sir William Lewis being again tellers for the Yeas, and Lieutenant General Cromwell and Sir Arthur Hasilrigge being tellers for the Noes, so that the Question passed in the negative. It might appear to hon. Members opposite that the fact of Lieutenant General Cromwell, who was then the Leader of the so-called Liberal party, having voted against Ballot in the House of Commons was a reason why they should do the like; but he (Mr. Bentinck) desired to point out that Lieutenant General Cromwell's conduct ought to have the contrary effect upon them, because at that moment Cromwell was intent upon seizing the supreme power, in the exercise of which he, literally speaking, "out-Heroded Herod." He, therefore, anticipating M. Guizot, and actuated by

Mr. Cavendish Bentinck

similar motives, was jealous of the existence of an independent Assembly. Personally, he (Mr. Bentinck) objected to the Ballot, not on political, but on moral grounds. He did not care one straw for its political effect. He had some reason for confidently stating that opinion, because the Ballot had been in operation ever since 1708 in the municipal elections of the constituency he had the honour to represent; and so far as politics were concerned, the system made no perceptible difference. Having gone through the several arguments which had occurred to him, he was prepared to maintain that sooner or later the time would come when the electors of the country would see the necessity of giving a free vote to their Members, so as to avoid the catastrophe shadowed forth by Mr. Edmund Burke, at Bristol, in 1780, whose eloquent words he was sure the House would listen to with pleasure—

"When the popular Member is narrowed in his ideas, and rendered timid in his proceedings, the service of the Crown will be the sole nursery of statesmen. If the people should fall into the humour of making their servants insignificant, and should choose them on the principles of mere obsequiousness and flexibility, and total vacuity or indifference of opinion in all public matters, then no part of the State will be sound; and it will be in vain to think of saving it."

The hon. Gentleman then moved the Instruction of which he had given Notice.

Motion made, and Question proposed,

"That it be an Instruction to the Committee, that they have power to provide that Votes in Divisions in the House of Commons be taken by Ballot."—(Mr. Cavendish Bentinck.)

MR. W. E. FORSTER (*amid cries of "Divide"*) said, he was not surprised after the political *jeu d'esprit* in which the hon. Member for Whitehaven indulged that the House should be impatient for a division. He trusted that the hon. Gentleman was not serious in his proposition. [Mr. CAVENDISH BENTINCK: I am.] Well, then, he hoped he would not expect him (Mr. Forster) to reply to him in the same jocular manner. The fact was, they were engaged in a matter of too serious a character to allow their attention to be drawn away from it by a consideration of those subjects with which the hon. Gentleman sought to amuse the House.

MR. G. BENTINCK said, he was not prepared to submit in silence to the

speech they had just heard from the right hon. Gentleman. The right hon. Gentleman had told the House that his hon. Friend and Relative had brought forward this matter in a jocular strain. Well, all the more credit to his hon. Friend; but as to the speech of the right hon. Gentleman, the House could not derive either amusement or instruction from it. The right hon. Gentleman told the House that a serious question was involved. Was the House of Commons afraid, or not, to hear the truth? It came to this—that the right hon. Gentleman was afraid to deal with this question. He (Mr. Bentinck) was an old Member of the House, and a still older member of society, and he would vouch for this fact—and he thought it was time for the House to consider whether they were doing credit to themselves by blinking the question—that more corruption, more bribery, and more intimidation were practised within the walls of that House than in all the constituencies in England put together. If the House, on considering a Bill for the taking of votes of the constituencies by Ballot, was afraid to go into the question whether its own corrupt state did not require the same precaution—[*Cries of "Oh," and "Chair!"*]

MR. SPEAKER decided that the hon. Gentleman ought to withdraw what he had just said as to the corruption of the House.

MR. G. BENTINCK said, if he had used an expression that was unparliamentary he begged to withdraw it; but he begged to repeat that there had been habitually practised within the walls of every other House of Commons except the present, as much bribery and corruption as had been practised by all the constituencies put together. He only regretted the House had not the courage to discuss the proposition which his hon. Friend had brought before it.

Question put, and negatived.

**PARLIAMENTARY AND MUNICIPAL.
ELECTIONS BILL AND CORRUPT
PRACTICES BILL.**

Bill considered in Committee.

(In the Committee.)

Clause 1 (Nomination of candidates for Parliamentary elections).

MR. CAVENDISH BENTINCK moved the postponement of the clause,

until they got to the Schedule. The clause was differently drawn to that in the Bill of last year. He held in his hand a copy of that Bill.

THE CHAIRMAN said, the hon. Member must strictly confine his remarks to the postponement of the clause. Any general observations he had to make should have been made on the postponement of the Preamble.

MR. CAVENDISH BENTINCK said, he wished to state his reasons for making the Motion, and, in doing so, it was necessary he should refer to the Bill of last year. In this Bill the clause had been divided into two parts—one containing the principle, and the other the schedule containing the details. The clause and schedule should be taken together. He had never before seen such a specimen of Parliamentary draftsmanship. Last year all the provisions were to be found in the clause; but now, on page 16, there were 11 paragraphs, all which had relation to this clause. He therefore moved that it be postponed.

Motion made, and Question proposed, "That the Clause be postponed."—(Mr. Cavendish Bentinck.)

MR. W. E. FORSTER said, the reason why the details had been put in the schedule was, that last year it was the general opinion on both sides of the House that there were too many details in the clauses. The principle involved in the new form of nomination about to be introduced was embodied in the clause, and he believed it would be possible to make the change with the clause alone, and without the details in the schedule, which, though not absolutely necessary, were still advisable.

MR. GREGORY said, the separation of the details involved much repetition, both in the Bill and in the Amendments. It would have been much better if there had been more of the substance of the Bill contained in the body of the Bill, instead of in the schedule.

MR. ASSHETON CROSS said, he intended to give all the assistance in his power to amend the Bill in order to make it as perfect as possible; but the way in which it was drawn was very inconvenient. In the discussion that took place last year the question of nominations, which was one of principle

and not of detail, was not satisfactorily settled. Were the nominations to be considered private, or were they to take place openly and in the presence of a large number of persons?

THE CHAIRMAN said, the hon. Member must confine his remarks to showing reasons for the postponement of the clause.

MR. ASSHETON CROSS said, he referred to the point to show that the clause ought to be postponed. As a matter of principle, the 1st clause and the schedule ought to be considered together, and he was simply giving an instance on which to found his argument. Were the nominations to be public or private? Were they to be conducted simply in the presence of the proposers and the seconders of the candidates, in which case there was nothing to prevent a corrupt bargain being made out of the view of the electors; or were they to be made in public, when the electors would have an opportunity of being present? If no other way were open to him, he should raise the question by moving an addition to the clause.

Question put.

The Committee divided:—Ayes 145; Noes 218 : Majority 73.

MR. GOLDNEY rose to move, in Clause 1, line 11, after "writing," to insert "in accordance with the form of nomination paper contained in the Second Schedule of this Act." He said that the power of the Returning Officer with regard to the nomination of candidates was so extensive, that unless the Bill were made more elastic very great injustice would be done, and in many cases the Returning Officer might prevent candidates from being freely and independently nominated. The clause before the Committee provided for the nomination in writing of candidates by two registered electors as proposer and seconder, and by eight other registered electors as assenting to the nomination—the nomination paper to be delivered to the Returning Officer by the candidate, or his proposer and seconder, within a given time. The 8th clause said that the Returning Officer should provide the nomination papers, and, by the first part of Schedule 1, the Returning Officer was to fix the time and place, and was not bound to give more than two hours for the nomination. But it

might so happen that at the very last moment the candidate declined to be nominated and withdrew, and it might not be possible within the time specified for the election, to have a new candidate nominated in the way now proposed. The Amendment which he had put on the Paper was intended to remedy this defect.

Amendment proposed,

In page 1, line 11, after the first word "writing," to insert the words "in accordance with the form of nomination paper contained in the Second Schedule of this Act, and to the like effect."—(Mr. Goldney.)

MR. W. E. FORSTER said, he could not see that his hon. Friend's fear was justified, or that the Amendment would remove that fear if it were well founded. It was, of course, necessary to provide how nomination papers should be obtained; but it did not follow that the exact words of the form of nomination given in the Act should be adopted, or that the nomination should not be drawn up by the electors themselves. The words proposed would leave the clause very much in the same position as it now was. Before Clause 8 was reached he would carefully consider the question; and if the danger which his hon. Friend pointed out really existed, the proper place to deal with it would be by a sub-section in Clause 8.

MR. SCLATER BOOTH said, that the clause could not be read without reference to the schedule, and it seemed that a candidate could not be nominated except according to the precise form furnished in the Act. Some guarantee against any abuse of power by the Returning Officer ought to be provided.

MR. GREGORY said, the question raised by the Amendment was one of construction, which was doubtful, and might become a matter for judicial decision.

MR. W. E. FORSTER said, he did not think there was any room for doubt; but if there appeared to be any on further careful reading, the defect should be remedied; for he quite admitted it was a matter on which there should be no doubt.

MR. GOLDNEY asked that, as a matter of fairness, the correction should be conceded now; and, to show the want of care with which the Bill had been drawn, he pointed out that the

schedule of the Bill repealed 26 sections, of which 25 were already repealed by another Act of Parliament.

MR. DENISON said, there was a provision in the old system which would preclude the apprehended possibility of candidates being proposed, seconded, and elected without the body of electors having had an opportunity of learning anything about them, and it was that the Returning Officer on or before the day of nomination should publish the name and address of each candidate's agent. That clause was unrepealed, and yet it was inconsistent with the 1st clause of this Bill, in which, however, he yet hoped it might be embodied. To require the declaration in writing of the officer to be responsible for election expenses was a safeguard against underhand electioneering proceedings.

MR. W. E. FORSTER said, the hon. Member was discussing by anticipation the 3rd schedule. It might be found when the Bill had passed through Committee, that it did not repeal all that it would be necessary to repeal; but the repealing of existing provisions was always the last thing done in the schedules of a Bill.

MR. HUNT said, he could not see why the Amendment was not accepted, seeing that the Government agreed with the object of it.

THE SOLICITOR GENERAL said, the object of the Amendment was already contained in the Bill, and, if it were not, the words proposed would not effect the object. The 8th section, if any, was the faulty one; but a consideration of that section showed the objection was untenable. He would suggest waiting for the 8th section, and then amending it if it did not do what the hon. Member for Chippenham (Mr. Goldney) suggested, which the Government were quite prepared to accept.

MR. GOLDNEY said, the 1st clause dealt exclusively with nomination papers, but the 8th dealt with other arrangements as well.

MR. CAWLEY said, the plain and simple way of legislating would be to prescribe a particular form, and not to say that the paper may be in any form.

MR. W. FOWLER said, he was of opinion that the words suggested by the hon. Member for Chippenham (Mr. Goldney) would do no harm, and might clear up an ambiguity.

MR. SPENCER WALPOLE believed that the clause would be rather better without the Amendment.

MR. W. E. FORSTER said, that before he came down to the House he was under the impression that the object of the Amendment was to make the matter more stringent than the Bill as it stood.

MR. COLLINS suggested that there should be added to the end of the Amendment the words "or to the like effect."

MR. GOLDNEY said, he would agree to the suggestion.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 152; Noes 177: Majority 25.

MR. GREENE moved that the Chairman report Progress.

MR. FAWCETT said, he wished to ask the Prime Minister, or the right hon. Gentleman who had charge of this Bill, whether the Committee was distinctly to understand that the following was the arrangement which had the sanction of the Government—namely, that they should take two or three clauses out of the Corrupt Practices Bill and introduce them into the Ballot Bill, and that the remainder of the Corrupt Practices Bill should be postponed, as it appeared to him, for an indefinite period, in order that the Mines Regulation Bill and other measures might be proceeded with? If that was the arrangement that had been come to, he was no party to it.

MR. W. E. FORSTER said, the arrangement proposed by his right hon. Friend at the head of the Government was, that when they got towards the end of the clauses of the Ballot Bill, inasmuch as it might be found to be difficult to carry the whole of the clauses of the Corrupt Practices Bill before reporting the Ballot Bill, they should, in that case, transfer to the Ballot Bill the 2nd and 3rd clauses of the Corrupt Practices Bill. There was no statement on the part of his right hon. Friend that the other four clauses and the questions which might arise as to a renewal of the present Act, should be indefinitely postponed. The Government fully intended and expected that the Bill would be passed into law this year.

MR. DISRAELI said, that in the observations he had made he did not relinquish the hope or expectation of their passing the whole of the Corrupt Practices Bill. The Ministry must recollect that it was in their power not merely to propose the insertion of these two clauses, but all the clauses of the Corrupt Practices Bill.

MR. W. E. FORSTER said, he wished to state further, in order to prevent any possibility of misunderstanding, that Her Majesty's Government had accepted the Motion to refer the two Bills to the same Committee, which implied that it was possible that, having gone through the Ballot clauses, they would go through the Corrupt Practices clauses. They had no intention of embodying the Corrupt Practices Bill in the Ballot Bill, and constituting them a Ballot Bill; but they simply undertook that if, when they came to the end of the Ballot clauses, it appeared contrary to the convenience of the House to proceed at once with all the clauses of the Corrupt Practices Bill, they would transfer two of the clauses to the Ballot Bill.

Motion agreed to.

House resumed.

Committee report Progress; to sit again upon *Monday* 11th March.

House adjourned at half after
Twelve o'clock.

HOUSE OF LORDS,

Friday, 1st March, 1872.

Their Lordships met;—and having gone through the Business on the Paper, without debate—

House adjourned at a quarter past Five
o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 1st March, 1872.

MINUTES.] — PUBLIC BILLS — Ordered — First
Reading — Unlawful Assemblies (Ireland) Act
Repeal* [72].
Considered as amended — Poor Law Loans* [51].

POST OFFICE—HALFPENNY POSTAL CARDS.—QUESTION.

MR. GREENE asked the Postmaster-General, If the Post Office authorities have decided that in future not less than a dozen postal cards can be bought at any Post Office, an extra halfpenny being charged for the same; and, if so, whether he has considered the effect on the poorer classes of a decision which obliged them to purchase twelve cards when only requiring one?

MR. BAXTER, in the absence of the Postmaster-General, said: It has been decided that in future not less than a dozen post-cards can be bought at any post-office, and that an extra halfpenny shall be charged for the same. Experience has shown that the poorer classes hardly ever use post-cards, and it rarely happens that a single card is sold to any one. It is calculated that the change will increase the revenue by £13,000 per annum. I may add that paper-makers and stationers of the United Kingdom have from the first strongly complained that the interests of their trade were being seriously affected by the sale of the post-cards for a halfpenny each, without any charge being made for the cards themselves. But this is not the only change proposed. The stationers have also remonstrated against the exclusion of all private cards from a participation in the privileges accorded to the post-cards issued by the Government; and, as the departmental reasons which seemed at the first to render such exclusion necessary no longer exist, it is intended to allow private cards having written communications upon them to pass through the post under certain restrictions, for a postage of a halfpenny. This will give opportunity to the stationers to devise a variety of cards, differing both in quality and design, for general use; and all classes will participate, more or less, in the accommodation.

**TREATY RELATIONS WITH JAPAN.
QUESTION.**

MR. WHITWELL asked the Under-Secretary of State for Foreign Affairs, Whether our Treaty relations with Japan are likely to be revised at an early period; and, if the attention of the Foreign Office has been directed to the

Report of the Chamber of Commerce of Yokohama, dated the 28th December, 1871, on the revision of our Treaty with Japan?

VISCOUNT ENFIELD: Sir, Her Majesty's Government have complied with the request of the Japanese Government, put forward in November last, that the revision of the Treaty may be postponed until the return home of a special mission from Japan, which is expected to arrive shortly in this country, and is charged, among other objects, with the discussion of this Treaty. The Report referred to by the hon. Member has been forwarded to the Foreign Office by Her Majesty's Chargé d'Affaires at Yedo, and will be duly considered in any negotiations which may arise.

PORT OF LONDON—FOREIGN STEAM-BOAT PIER.—QUESTION.

MR. REED asked the Secretary to the Treasury, Whether his attention has been called to the insufficient provision at present existing for the arrival and departure of passengers by Foreign Steamers in the port of London; and, whether the Government will sanction the construction of a Steamboat Pier for this special service at the Custom House Quay?

MR. BAXTER: Sir, attention has been frequently called to the subject of my hon. Friend's Question, but the Treasury has, on the strong recommendation of the Commissioners of Customs, invariably declined to sanction the construction of a steamboat pier at the Custom House quay, and for the following, among other reasons:—they are advised that it would seriously obstruct the navigation of the river. Thames Street is already so overcrowded, that any addition to the traffic would cause material inconvenience to the public, and the due and safe performance of the duties of the Custom House officers would be incompatible with the erection of a pier necessarily open by night as well as by day.

IRELAND—LOCAL BOARDS OF MANAGEMENT.—QUESTION.

MR. KAVANAGH asked the Chief Secretary for Ireland, Whether the statement published in one of the leading Dublin journals of Monday is correct, to the effect that it is the intention of

Government to appoint local boards of management in Ireland, with a commissioner or commissioners to superintend them, the local board to have the management of the County Cess, and the discharge of the other duties now performed by the associated cess-payers, the magistrates, and the grand jury; that the districts for which these local boards of management are to be appointed are to be co-extensive with the existing Poor Law Unions; that officials are now confidentially employed in procuring statistics and making reports as to the method of carrying out the territorial alterations which these changes would necessitate owing to the boundaries of the Poor Law Unions not being co-terminous with those of the counties?

THE MARQUESS OF HARTINGTON replied that he proposed on Monday to introduce a Bill for amending the Irish Grand Jury Law. It would be more convenient to reserve the details of it till that day; but he might assure the hon. Member that the statement referred to by him was very far from correct.

IRELAND—IRISH ANTIQUITIES. QUESTION.

MR. P. SMYTH asked the Chief Secretary for Ireland, If the circumstance of the discovery in a mound at Ardagh, in the county Limerick, of a double-handled Chalice, described as being of great antiquity and of exquisite workmanship, has been brought under the notice of the Government; whether the Government will take steps to secure for the nation so interesting an object, and add it to the collection of the Royal Irish Academy; and, if it be the intention of the Government to introduce a Bill to provide for the better preservation of Historical Monuments in Ireland?

THE MARQUESS OF HARTINGTON: Sir, in January, 1870, the Royal Irish Academy presented a Memorial to the Lord Lieutenant on the subject of the purchase by Government of several specimens of ancient Irish art, among which was that known as the "Ardagh Chalice." The Academy was asked to state what sum would be required to purchase these articles, and whether any, and, if any, how much, could be provided by private subscription. The reply in regard to the Ardagh Chalice was that

Mr. Kavanagh

Lord Dunraven, on behalf of the owner was unable to fix a price, but was willing to abide by the decision of two valuers, one to be appointed by Government and one by the owner. The Academy added that a subscription of £150 might be hoped for towards the purchase of the chalice and four silver brooches included with it. The Lord Lieutenant laid the application before the Treasury, with a strong recommendation for its favourable consideration, but their Lordships declined to propose the necessary increase to the Vote for the Academy last Session. In submitting their Estimate for the ensuing year the Academy stated that they were not in a position to take any step for the purchase of the chalice at present. An application made by them for a sum of £192 to make up £500 (the remainder of which has been subscribed) for the purchase of another ancient relic, the bell shrine of St. Patrick, has, however, been acceded to by the Treasury, and the amount will be inserted in the Estimate to be submitted to Parliament this Session.

EDUCATION—EVENING SCHOOLS. QUESTION.

MR. C. DALRYMPLE asked the Vice President of the Council, Whether there has been any, and, if so what, decrease in the number of evening schools, particularly in country districts, owing to the regulations of last year in regard to Government Grants; and, whether he is prepared to maintain the regulation requiring a minimum number of eighty meetings after the present year, and fifty attendances of scholars, when in numerous places where such schools are of the greatest value it has been found difficult or impossible to secure the forty attendances now required?

MR. W. E. FORSTER said, in reply, that a decreased number of evening schools had applied for the grant, but the amount of the decrease could not be stated until the number of schools which had availed themselves of the regulation of the Code enabling them to apply to the Inspectors for examination was known. He had no reason to suppose that the decrease had been chiefly in the rural districts. The reason why the regulation referred to by the hon. Member was issued was, that a great

number of evening schools, although they might be doing good socially, were of little advantage educationally, on account of the very small number of attendances. Until a month or two had elapsed the Department could not decide whether to continue the present number of attendances or to reduce it to 60 and 40. When nearer the 30th of April, the end of the school year, he should be glad to give a more definite answer.

ARMY RE-ORGANIZATION—LOCALIZATION OF REGIMENTS.—QUESTION.

MR. STAPLETON asked the Secretary of State for War, Whether it is intended that the officers of the regular Army shall be wholly or for the most part persons connected with the districts in which their regiments are localized?

MR. CARDWELL, in reply, said, he thought it was very likely that those officers who entered the Army through the Militia would prefer to be commissioned in regiments connected with their own districts; but as to those appointments which were open to competition, there would of course be nothing of the kind.

ARMY RE-ORGANIZATION—REGIMENT OF IRISH GUARDS.—QUESTION.

SIR PATRICK O'BRIEN asked the Secretary of State for War, Whether, having regard to the principle of localization embodied in his scheme of Army reorganization, it is his intention to constitute a regiment of Irish Guards, England and Scotland being already represented by seven battalions of Foot Guards?

MR. CARDWELL, in reply, said, he must demur to the assumption that the seven battalions of Guards represented England and Scotland to the exclusion of Ireland. The battalions of Foot Guards were as open to Irishmen as to men from any other part of the country, and there was no intention at present to add to the number of the regiments of the Guards.

POST OFFICE—PURCHASE OF TELEGRAPHS.—QUESTION.

MR. HEADLAM asked Mr. Chancellor of the Exchequer, Whether it is true that there is still a large outstanding claim against the Government in re-

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spect of the purchase of telegraphs; and, if so, whether he can state approximately the amount of such claims, and whether it was fully considered in the calculation of what has been paid?

THE CHANCELLOR OF THE EXCHEQUER: I have, Sir, made inquiries of the Postmaster General, and I may state that the process of arbitration to ascertain the amount of money to be paid by the Government to railway companies is not yet completed. There is, therefore, a claim not yet ascertained, and consequently not yet paid; the claims, indeed, in some cases not having been at present sent in. I presume my hon. Friend alludes to a statement that in purchasing the telegraphs the Government dealt only with the telegraph companies, and overlooked the fact that after a time their interests reverted to the railway companies. I am informed that there is not the slightest ground for that statement, nothing of the kind having been overlooked.

ARMY RE-ORGANIZATION—ADJUTANTS' EXCHANGES.—QUESTION.

MR. A. GUEST asked the Secretary of State for War, Whether Adjutants of the Reserve Forces and Volunteers are permitted to exchange from one station to another; and, if so, upon what conditions?

MR. CARDWELL replied, that under the proposed regulations adjutants of Militia regiments were intended to be supernumerary officers, the present adjutants being allowed to exchange when recommended by the commanding officers of the battalions and the Lords Lieutenant of counties.

HORSEDEALERS' LICENCE DUTY. QUESTION.

MR. J. G. HAMILTON asked Mr. Chancellor of the Exchequer, Whether he can do anything to remove the inconvenience which is caused to farmers by the recent alteration in the regulations for levying the Horsedealers' Licence Duty?

THE CHANCELLOR OF THE EXCHEQUER said: I have, Sir, great pleasure in informing my hon. Friend that a few days ago an Order was passed by the Board of Inland Revenue which I hope will give the relief required. The effect of it is that farmers will be re-

lieved from the horse-dealers' duty in respect of sales of fillies and colts under five years old which have been stocked on the farm.

**NAVY—ROYAL MARINES—FIELD DRILL.
QUESTION.**

SIR JOHN HAY asked the First Lord of the Admiralty, If instructions have been given to the officers commanding the Royal Marines that when the battalion is formed for field drill the duties of Majors are to be performed by Brevet Majors, without reference to their seniority as Captains of Marines; and, if so, whether it is intended to repeal Section 4, page 229, of the Marine Mutiny Act with reference to rank, and to alter Article 2, page 136, of the Queen's Regulations for the Navy with reference to the Royal Marines; and, if he has obtained the consent of the Secretary of State for War to an alteration in the Queen's Regulations and Orders for the Army, paragraph 27, and the Field Exercise and Evolutions of Infantry, part 3, Battalion General Rule 4, No. 2?

MR. GOSCHEN, in reply, said, instructions had been issued to the officers commanding the Royal Marines that when a battalion was formed for field drill the duties of major were to be performed by brevet-majors. The point of seniority was not touched in the instructions, it not being stated that the duties were to be performed either with or without reference to it. The object was to give the Marines, when brigaded with other troops, an opportunity of learning drill, which at present they seldom possessed. The fact that a lieutenant-colonel or an officer of higher rank would command the whole force had been held to obviate the objection with regard to the 4th section of the Marine Mutiny Act.

**PARLIAMENT—BUSINESS OF THE
HOUSE.—QUESTION.**

MR. HUNT wished to know the intentions of the Government as to the Resolutions respecting the Business of the House. The adjourned debate on the Chancellor of the Exchequer's Resolution as to counts-out at present stood for Monday, the 11th of March, and a number of other Resolutions to be proposed by the right hon. Gentleman and other Members stood on the Paper.

The Chancellor of the Exchequer

Did the Government intend to resume the debate on that day, or did they intend to give the House an opportunity of considering those Resolutions on some other Government night?

MR. GLADSTONE: I believe I can state with confidence that the debate on the Resolutions of the Chancellor of the Exchequer will not be resumed on the 11th of March, and in the present state of Public Business I cannot indicate any day on which the subject of those Resolutions generally can be resumed. I hope the right hon. Gentleman will take any course he may think proper, independently of any course that may be taken by the Government.

**TREATY OF WASHINGTON—THE
“ALABAMA” CLAIMS.—OBSERVATIONS.**

MR. GLADSTONE: I take this opportunity of giving an answer to the Question put to me yesterday by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) in reference to the reply of the American Government to the Despatch of Lord Granville, dated the 3rd of February, and addressed to the American Minister. We are informed, by telegram, from Sir Edward Thornton, that the Despatch, which I presume will be addressed to the American Minister here, will leave America this evening.

ROYAL PARKS AND GARDENS BILL.

QUESTION.

MR. WILFRID LAWSON: I wish, Sir, to ask the Chief Commissioner of Works, Whether he is aware that a meeting is announced to be held in Hyde Park next Sunday for the purpose of condemning the “treacherous, unscrupulous, and time-serving” policy of the Government in connection with the Parks Regulation Bill; and, whether it is the intention of the authorities to take any special steps with reference to such meeting—whether in the way of welcoming them as friends, or repelling them?

MR. AYRTON: Sir, as to the Question put to me by my hon. Friend I cannot say that I have any particular information on the subject; but if it is really true that some persons have taken upon themselves to express an opinion upon the legislation of the country with-

out any information or knowledge, and have made assertions so entirely void of fact and reason as those referred to in the Question of my hon. Friend, all I can say is that I think it must be a great satisfaction to the country to know that the legislation as to the Parks will be carried on in the House of Commons with all that knowledge which is essential in dealing with a subject like that. I am happy to think that the House is proceeding to carry into a law a measure introduced for the purpose of promoting the comfort, convenience, and welfare of all classes of Her Majesty's subjects.

SIR WILFRID LAWSON : The only point on which I wish to obtain information is, whether the Government intend to interfere with the meeting?

MR. AYRTON : I have no knowledge whatever of this subject officially, and therefore I cannot say whether the thing is to be done or not.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

GENERAL SCHOOL OF LAW.

RESOLUTIONS.

SIR ROUNDELL PALMER, in rising to move the following Resolutions:—

"1. That it is desirable that a General School of Law should be established in the Metropolis, by public authority, for the instruction of Students intending to practise in any branch of the Legal Profession, and of all other Subjects of Her Majesty who may desire to resort thereto.

"2. That it is desirable, in the establishment of such School, to provide for examinations to be held by Examiners impartially chosen, and to require certificates of the passing of such examinations as may respectively be deemed proper for the several branches of the Legal Profession, as necessary qualifications (after a time to be limited), for admission to practise in those branches respectively."

said: Sir, I have now to move the adoption of the Resolutions of which I have given Notice, and I think it will be the most convenient course to avoid misconception of the object and meaning of those Resolutions, if I shortly state in the first instance to the House, what are the objects which I aim at, and the principles which I have endeavoured to express in the wording of those Resolutions. I desire

the House to give its sanction to the establishment of a general school of law, capable of competing, as I hope, with the best law schools of other countries, in which public instruction may be given in all useful branches of jurisprudence, on the best practicable system. I wish that this should be done by public authority, under a Royal Charter or an Act of Parliament. I wish this school to be made accessible to everybody, not merely to students of the various branches of the legal profession, but to all Her Majesty's subjects on payment only of reasonable fees. I wish that this institution should be so constituted as not to throw any such preponderance of power into the hands of any particular professional class as may prevent the confidence of all concerned. I wish also that when this school is established, examinations should be conducted under the governing authorities of the school, for the purpose, among other things, of ascertaining the qualifications of all persons who propose to practise any branch of the legal profession. But I do not propose that these examinations should be confined to persons who have received instruction in the general school of law; I do not propose to ask for any monopoly of instruction whatever; and with respect to the examiners, I desire—and I have aimed at expressing that in the terms of these Resolutions—not that they should be lecturers or professors in the school itself, but that they should be impartially chosen, so that they may obtain the confidence of all persons concerned in the instruction of youth. It is the right of anyone who may dissent from my views to call on me to show cause for these Resolutions; and, accordingly, I will proceed, imperfectly as I may, to endeavour to comply with that demand. I wish, in the first instance, to say something as to the general grounds on which the establishment of such a school of law appears to me to be desirable. I have said I wish to see a school established which may take rank with the best law schools of other countries. We have no such law school at the present moment in England. Practically, it may be said, without much exaggeration, that we have no great law school in England at all. And I cannot but think that whether we look at the importance of the law, whether we look at the eminence which many persons among us have attained

in the law, whether we look at the general interests of society in correcting the defects of the law and diffusing as far as may be a sound knowledge of the law, it is almost enough for my purpose merely to state the fact that we have in England at this moment no such thing as a great school of law, although such institutions have long existed on the Continent, and have been found eminently successful. If the thing were not good in itself, of course the mere fact that other countries have it would not prove the desirableness of what I seek to establish. But the practice of other countries, their experience in this matter, long established and long tried, shows that it is a wise and good thing in itself. I am not going to trouble the House with long details of the system carried on in other countries where law schools are established; but I will take as an example what is done in a neighbouring part of Her Majesty's own dominions—in Scotland. In Scotland there is a well-organized system of legal instruction, which all persons intending to practise in any of the branches of the legal profession there are required to go through at one or other of the Scotch Universities, and their proficiency is tested by very thorough and searching examinations. In France there are six faculties of the law—one established in the metropolis, and the other five in the chief provincial centres, at which all persons intending to practise in any branch of the legal profession are required to go through a fixed and stated course of a very severe and searching character, and afterwards they are submitted to public examinations. That system, I believe, has its imperfections. I am told on very high authority that it has been too much under the control of Government—too much in the nature of a Government monopoly; and on that account it has had a tendency to the very same kind of narrowness which I desire to see avoided in the school which I now propose to establish in this country. But that system is capable of being improved by being released from the restrictions and drawbacks by which it is hampered; and, with all its drawbacks, it has been productive in France of very great men and of an advanced scientific knowledge of law. In fact, in spite of all the misfortunes into which that country has fallen, it may still point with pride to its achievements in the codification and

simplification of the law. All the other great European countries under different modifications have long adopted systems more or less similar; and in all of them it has been productive of excellent fruits. I will merely add, that it seems to me a just expectation, having the benefit of the experience of so many other countries which have established schools of this kind on a large and generous scale, and examinations of the same nature as those which I contemplate, that at least equally good results may probably be attained here, where we shall have the advantage of being instructed by the defects which exist in some of those systems, so as to be able to avoid them. Now, what is our system in this country? I shall presently remind the House of some of the judgments passed upon that system by very high authorities; but I will say that it is in truth a hand-to-mouth system. Everybody is left to pick up his own instruction in law as well as he can, entirely with a view to practise; and by doing it in that manner, with the assistance of those who are themselves engaged in practice, it is impossible that any foundation of a scientific knowledge of law can be laid, however desirable it may be; and, as a matter of fact, it is not. I hope I have never given any just ground to anyone to suppose that I think lightly of the many excellences of the law under which we live, or of the great eminence which many have attained in the profession to which I belong, and in the administration of the law. But it is not the part of a real friend, either of men or of institutions, to shut his eyes to their defects, and to represent everything in a more favourable light than is consistent with the truth. There is no doubt that the body of our law contains many most excellent things; yet it is, on the whole, a very immethodical and undigested mass. There is no doubt that the science of the law has not been making progress with us in the lapse of time, and if we look for our great legal luminaries, we have, with few exceptions, to go a considerable way back rather than to search for them very near at home. That is the inevitable result of the system of learning by practice, and practice only, under which we live. Would it not be better that our students should be encouraged and assisted, at least as much as any public institution

can encourage and assist them, to lay the foundation of their legal knowledge in principles, and to study the law upon a large, wide, liberal, and scientific basis? I do not think there can be any serious difference of opinion on that point, although there may be differences of opinion as to the best mode of doing it. For instance, I find that when Lord Cairns gave his evidence before the Commission of 1854, while recognizing most fully the great advantage there would be in extending as widely as possible the range of reading in jurisprudence for all who proposed to follow the legal profession, he thought it possible that *that might best be done in our Universities, by assistance to be given by the Inns of Court in the foundation of lectureships and law scholarships.* Now, I should be very glad to see everything done that could be done in that way, and I recognize the advantages which have actually been conferred by such means; but it is impossible that places which are not principally schools of law should do the work of such a school as that which I desire to see established. It is not possible; it cannot, and will not be done. What did Sir Henry Maine say upon the same occasion? He said he thought it of the greatest importance, of growing importance, looking to the course which our legislation every day was taking, and to the changes which it had a tendency to undergo, that those who practised the law should be well grounded in the principles of jurisprudence; but he observed, that nothing in the world was more difficult than to get those who were studying with a view to practise as early as possible to devote themselves to a scientific study of those principles. I might multiply testimonies on this subject. Lord Westbury and others have expressed, in the most forcible terms, their sense of the great deficiency of our system in point of science and method; but I abstain from going through them, because you have the authority of the two former inquiries which have been held on this question. I do not wish to repeat unnecessarily anything I said on a former occasion; but I trust I may stand excused for calling attention again to the Report upon this branch of the subject of the Committee of this House in 1846. They found—

"That the present state of legal education in England and Ireland, in reference to the classes,

professional and non-professional, concerned, to the extent and nature of the studies pursued, the time employed, and the facility with which instruction may be obtained, is extremely unsatisfactory and incomplete, and exhibits a striking contrast and inferiority, to such education, provided, as it is, with ample means and a judicious system for their application, at present in operation in all the more civilized States in Europe and America."

They added—

"That it may be asserted as a general fact, to which there are very few exceptions, that the student, professional and non-professional, is left almost solely to his own individual exertions, industry, and opportunities, and that no legal education worthy of the name is at this moment (1846) to be had in either England or Ireland."

That was the Report of the Committee of 1846. What did the Royal Commission which sat in 1854, and reported in 1855, say?—

"The present system of practical study in a barrister's chambers must be admitted to be very efficient in fitting the student for the active duties of his profession; it affords, however, no facilities for the study of the scientific branches of legal knowledge—including, under that term, constitutional law and legal history, and civil law and jurisprudence. True knowledge of these subjects must be useful to the barrister, not only as an advocate, but as a Judge; and especially if he should be appointed to any judicial office in India or in the colonies. But although during the ordinary period of preparation for the Bar it would probably be found impracticable to obtain an entire acquaintance with them without sacrificing objects more immediately pressing, yet there would be time enough to lay the foundation of this knowledge, which might be completed after the student should have been called to the Bar, and before his time became wholly absorbed by practice. By mastering principles the student becomes more interested in and obtains a steadier grasp of practical details. The most convenient method of acquiring knowledge of these subjects is by lectures, followed by examinations applicable both to the lectures and to the subjects generally."

That Report was signed by the present Lord Chancellor, Sir John Taylor Coleridge, Lord Westbury, Sir John George Shaw-Lefevre, and other eminent men. And now a few words upon the usefulness of the teaching which might be given upon the system of such a school as I propose. There are many persons who depreciate and some who over-estimate the value of teaching by lectures. It is a kind of teaching much better adapted to some subjects than to others, and to students of an advanced age rather than to those who are very young. But, as to this particular line of study, it is eminently fitted to interest and guide the student in his pursuit of the principles of jurisprudence, and I can

hardly imagine any subject in which that kind of general teaching is more wanted to correct the narrowing effects of the system of merely practical study. We find accordingly that the best books on the general principles of law, which are referred to constantly in all countries, have been the product of this system of teaching principles by lectures in large schools or Universities. Some of the very best works on the law of Scotland are the product of such a system, as well as the Commentaries of Chancellor Kent and the treatises of Story in America, and of Savigny in Germany. In this country, if we want to get general views, we go to Blackstone, whose book was written in the form of lectures to the University of Oxford, or to Austin, whose lectures were delivered to the University of London. Those examples show what is likely to be the nature of first-rate scientific instruction, and its value in guiding the minds of young men towards the principles of law, in enabling them to group their ideas round those principles, and at the same time exciting their interest in larger and more liberal views of the law than they are likely to gain from instruction confined merely to the practice of the law. Here I may mention the testimony of one who was lost too early to his profession—the late Mr. W. D. Lewis, who was himself a lecturer in Gray's Inn, and who stated in his evidence in 1854 that he entered upon his duties with some prepossession against the value of lectures as a means of instruction in the law, but that his experience entirely removed that prepossession, and he came to the conclusion that this kind of instruction might be made most useful and advantageous to the students. Mr. Lewis added, as a result of his own experience as a practitioner of the law, that he was often made to feel how great an advantage it would have been if, when he was a student, he had had opportunities of hearing the law expounded and taught as a science. Before parting from this general subject let me glance at one other consideration. It is not only for those who mean to practise the law that I advocate the establishment of such a school as this; it is for the general benefit of the country, and with a view to extend the influence of such a school far beyond the range of mere practitioners. There can be no question

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that anything which gives an interest to the study upon a right method of the principles of law, both among law students and among the community generally, has a most powerful tendency to assist in all sound legal reforms. The moment you are able to grasp the whole subject, to see the bearings of legal principles upon legal details, then you can much better understand the real tendencies of crude or objectionable projects for change in the law, and where the real want of such changes as are beneficial lies. I cannot but take advantage of an observation made upon a recent public occasion by a very learned Judge—Vice Chancellor Wickens, one of the most accomplished men we have upon the Bench, or have for some time had at the Bar, a man of great general attainments as well as accurate knowledge of his profession. The learned Judge stated that he was glad to take the opportunity of saying how profoundly he was convinced that the simplification of the law depended upon its scientific teaching, and that its scientific teaching depended substantially and practically at this moment on what could be done in the direction of this movement. Having said that, I leave these general views of the subject, and now pass to particulars. Here I come to the next principle upon which I desire to insist, and I hope the House will concur with me in considering it to be of cardinal importance. I mean that this system should be comprehensive; that there should be nothing exclusive, nothing narrow in it, nothing bringing forward with unnecessary and premature jealousy the distinction which, in after life and practice, may exist between those who may addict themselves to different branches of the legal profession. In the stage of studentship the great object is to give the benefit of the best system of instruction which you can confer and which they will accept to everybody who will take it, and it is as desirable for those who will hereafter be attorneys and solicitors as for those who will hereafter be barristers that they should have the best opportunities of acquiring the utmost amount of the best possible knowledge. It is no part of the system I propose that everybody should be obliged to attend the same lectures, to go through the same compulsory course, or to submit to the same ex-

aminations. The idea is to have a great school, where the best possible instruction upon subjects on which instruction is worth having shall be given — a school for all students of the law, no matter what branch of the profession they propose to follow; a school also for all who desire to qualify themselves for public employment, for the work of legislation in Parliament, for the magistracy; a school, in short, for everybody who may be willing and able to profit by it. I am glad upon this subject to refer to an authority of whom, if he were absent, I might venture to speak in terms from which I abstain in his presence; but I think it will carry weight with the House. In the year 1854, in giving evidence before the Commission, my right hon. Friend the Chancellor of the Exchequer expressed the opinions which I will now read—

"It must be remembered that the teaching of an advocate, or even of an English Judge, is only a small part of legal education. We are every Session creating places which can only be filled by barristers, and the colonies suffer much by the incapacity of gentlemen sent out to fill high posts."

I think my right hon. Friend was then occupied in framing some regulations as to the Civil Service in India; and he said—

"It would be the greatest possible advantage to us, who are now framing rules for the examination of civil servants in India, if there were any body constituted to which we could delegate the task of examining them. It is our opinion that every civil servant of the East India Company should go out with some knowledge of the principles of law, but we are at a great loss for the means of examining them."

I may venture to say that from many quarters I have received communications from gentlemen belonging to the public service in India, speaking of the great and increasing importance of providing the means of thorough instruction, not in the technicalities of English law, or in that sort of law which people study here and practise in the English Courts, but in the law as a system and a science. These gentlemen say that such opportunities of study would be of the greatest possible value and importance, with a view to the administration of the various systems of law with which they have to deal in India, and with a view also to the qualification of natives who assist in the administration of justice in the Indian Courts. But I have not done with the opinions of my right hon.

Friend. In answer to another question he said, and his answer thoroughly expresses my own sentiments—

"I think legal education is a much larger question than the education of the Bar, or even of the Bench. I think it is exceedingly desirable that every English gentleman who is independent, and whose time is at his own disposal, should be educated in law to a much greater extent than is now the case."

Well, my desire is that the school which I wish to found should be founded upon these broad principles; that nothing about it should be narrow or merely professional; that it should be qualified to instruct the members of the legal profession in all which is important for them to learn of scientific and general principles, while it should not be inconsistent with their study of the details of practice; and that it should give such an education as it is worth the while of everybody to receive who desires to understand the laws of his country and the principles of law in general. Now, I want to know how this object should be attained; and this brings me to the next important principle which I attempt to embody in the Resolutions. I say it should be done by public authority. We have been going on a great deal too long upon the system of allowing this matter to take care of itself, leaving it in the hands of irresponsible bodies who acknowledge no public trust, who are under no public constitution, who are not even incorporated; and who, if they had been much better organized than they are, have not shown themselves in past times capable of doing the necessary work in this respect.

It is a work which should be done by public authority. We want now to organize something which shall not depend upon the greater or less degree of activity, the greater or less prevalence of sound views at one time or another, among bodies which recognize no public responsibility at all. Is or is not what I propose in conformity with the opinions of those who have most considered the subject, and spoken with the greatest authority upon this point—I mean as to the necessity of organizing the school in a public manner, by Act of Parliament or by charter, and under public authority? There can be no doubt it is; and I think I can quote authorities of considerable weight to show, that, upon all the principles for which I contend, they have taken substantially the same view. First

of all, I wish to notice that we are in this anomalous situation—that centuries ago we were much nearer the point I am aiming at than we are at this moment. Speaking of the reign of Henry VI., Chief Justice Fortescue, in his celebrated work, gives an account of the ten Inns of Chancery and four Inns of Court, representing them to be something very much in the nature of a University, and stating that there were in these institutions 3,000 students of one kind or another, intending to go to various branches of the law. No wonder my right hon. Friend the Chancellor of the Exchequer should say in his evidence before the Commission—

"My own impression is that the Inns of Court are, as at present constituted, a University in a state of decay. They are in the same position, as I understand it, as the University of Oxford was at the end of the last century, when the University had virtually delegated the power of conferring a degree to the colleges; the consequence of which was that the colleges, whether from competition among themselves, or having no sufficient motive, had brought the thing down to the very lowest point. Then, in the beginning of this century, the University was, as it were, reconstituted, and the examinations re-assumed by her, and from that moment the standard of education has risen. Applying that to the Inns of Court, what is needed is some central authority to confer the degree of barrister—something answering to the Senate of the University of London, or to the Governing Body in Oxford or Cambridge."

If I substitute for the degree of barrister the certificate necessary to qualify for the Bar, it appears to me that my right hon. Friend has recommended substantially that which I am advocating; certainly so far as relates to a central authority superior to the Inns of Court, and with which they should be connected, as far as with public advantage they may. The same views were recommended by the Committee of 1846 and the Commission of 1854. Neither of those bodies extended its inquiries practically beyond the relations of the Inns of Court to the preparation for the Bar; but they were of opinion that the Inns of Court should be incorporated by public authority into a species of legal University; that they should not be left as at present owning no responsibility; but that they should be so reconstituted, and that they should be charged with work such as that which I desire should devolve on the law school which I seek to have established. I have given, I think, good reasons for declining to place that school under the controlling authority of

the Inns of Court, however re-organized; but I should, at the same time, be glad to see the due weight and influence of the Inns of Court brought to bear, whether under their present, or under a better organization, on the school which I propose. A similar view was taken by Lord Cairns, who, in 1862, induced the Benchers of Lincoln's Inn to adopt a resolution to the effect that, in their opinion—

"The constitution of a legal University, to which the various Inns of Court might be affiliated, would be desirable."

It seems to me that every one who approaches the subject from an impartial point of view would naturally be disposed to regard that as a desirable thing. Let me add one more recent testimony, which I think is a striking one; because it not only comes from a very eminent Judge, but from one who, in the evidence which he gave before the Commission of 1854, rather professed himself not to have any very strong views of the importance of any practicable improvement of legal education. I am referring to Sir FitzRoy Kelly, who, in presiding last year at a meeting of the Solicitors' Association, after surmising that the present unsatisfactory state of the profession arose in some degree from the want of a general system of legal education, expressed the following opinion, which I cannot but regard as strongly confirmatory of that which I have been stating to the House. He expressed himself as anticipating the time when a general system of legal education would be established something like that of the great Universities of this country, to which all the members of the profession might belong, and by which the rights of each individual member might be determined. He further observed that, in his opinion, it was only by the establishment of such a system that all classes of the grand profession of the law could be made to prosper according to their respective merits. In proposing my own rather less ambitious plan I avail myself of the opinions expressed by so eminent a Judge, and I contend that there can be nothing derogatory to the honour and dignity of the Bar, or likely to interfere with its duties or interests in uniting, for the purpose of education, with all the other branches of the legal professions, or with others who take an interest in the study and practice of the law. I wish now to say a single word with respect to the apprehension which appeared on a

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former occasion to be entertained—that in making the proposal which I am advocating we wish to create a body with a monopoly of legal education. Nothing can be more entirely opposed to my purpose and intention, or to the purposes and intentions of those who agree with me on this question. Nothing can be more certain than that you may establish a school which by its own excellence and the value of the instruction which it gives may be well calculated to attract to it students of every kind, without saying that nobody shall be admitted to the practice of the legal profession who has not passed through that school. I propose nothing of the sort. Not only do I not propose it, but I have no faith in monopolies of any description. I do not believe that a school with the exclusive privilege of teaching would be found to be half so good as one which would have to depend for its success on its own merits. I am, therefore, against any monopoly, and I am against saying it should be a necessary condition for the passing of an examination, or for admission to the practice of any branch of the profession, that a student should have gone through the course, or any part of the course, of instruction given in this particular school. I perceive with the greatest satisfaction that the law schools of University College in London, of Oxford and of Cambridge have been considerably improved. I have heard also with great satisfaction of the establishment, with every prospect of success, of law schools in Liverpool and Manchester. I hope similar schools will be established elsewhere, in all convenient provincial centres, throughout the country. I expect great good from such a movement; I should desire to see them co-operating with the central body which I propose; and I believe that if we had a good central school, we should have minor schools springing up in all directions; but without the greater institution you will have considerable difficulty in infusing life into those smaller schools, or making them as energetic as they ought to be. It has been objected, that it would be undesirable to give the teachers of the central school an exclusive power of examining. In that objection I entirely agree. To give such a power has never been any part of my object. It would, of course, rest with the Government, when settling the terms of the charter, to determine the particular constitution

of the school; and I imagine they would take the fittest men to represent the different branches of the legal profession, by election or otherwise, in such proportionate numbers, and with such a mixture of other elements, as to make the Governing Body absolutely impartial. The examiners should be chosen, in my opinion, as far as possible, from independent sources, and not from the teaching body. Let me now inquire for a moment what are the competing schemes. There is that of the majority of the Joint Committee of the four Inns of Court, representing the prevailing opinion in two only—Lincoln's Inn and the Inner Temple—of those societies, with whom, or with us, the other Inns are willing to co-operate should the Government of the country authorize the establishment of a school of law. The scheme of the Joint Committee of the Inns of Court is to keep matters substantially as they are, so far as relates to the powers of these societies, and the separate legal education and examination of students for the Bar. But, even as to those Inns of Court which at present oppose themselves to our plans, I have no doubt, from my knowledge of the high character of the men who compose their Governing Bodies and their public spirit, that if the Government at once determined to establish by public authority a great central law school, they would desire to take their proper places in it and exercise in it their proper influence. It is one thing to advocate your own views and to wish to leave matters alone; to prefer, as is inevitable to human nature, to keep the power which you happen to possess in your own hands; and entirely another thing in the case of high-minded men such as those of whom I am speaking, to set themselves against a measure intended for the public good, if Parliament should think proper to adopt such a measure. I am convinced the Benchers of the Inns of Court would do nothing of that sort. In asking for the establishment of a central school of law I do not, I may add, in any way desire to stickle for particular views of my own as to matters of detail. I stand on great principles, and I say that the irresponsible bodies by which the Inns of Court are governed have not in past times done that amount of good which they ought to have done. I make no complaint against the men of any particular generation. There was probably something in the nature of their

constitution which prevented them from making that advance which some may think we had a right to expect at their hands. I honour them for what they have accomplished; but I cannot, therefore, admit that they are entitled to intercept a larger scheme for the public benefit, or to continue on the irresponsible footing on which they have hitherto stood in the exercise of a power which I contend should be conferred by public authority, and exercised under public responsibility. Although they have now come to the conclusion that it is right to make the passing of a test examination necessary for the Bar, and to make considerable additions to the sums which they have hitherto expended on legal education, they have not, after all, gone out of the old narrow groove. They still desire to maintain the rule that education for the Bar should be kept as separate as possible from all other legal education, and that the education of the students of each particular Inn of Court should be carried on in that Inn itself. That course of proceeding would keep everything on such a footing that I venture to say a professional character, and a narrow professional character, must continue to attach to the system so carried on. If the House does not think that I am right in my proposal, it will, of course, not be acceded to; but if the House should deem it for the good of the country to have one general school of law accessible to all, then those temporary measures into which some of the Inns of Court have been stimulated ought not to be admitted as reasons for refusing to adopt the larger measure. It may be said that this measure, being more comprehensive than that recommended by the Committee of 1846 and the Commission of 1854, is therefore at variance with the principles of the recommendations of those bodies; but that is not the case—the very men who signed those recommendations, or, at any rate, the great majority of them, approve what we are doing, and prefer the larger system. In the last Session, as well as in the present Session, I have presented Petitions numerously signed by gentlemen at the Bar, who would be admitted by anyone who looked at the list of names to be as good representatives as could be found of the intelligence, and experience of the Bar. I also have in favour of the scheme the principal teach-

ers of law at the Universities. I have presented in the course of this Session Petitions from the Incorporated Law Society of the United Kingdom, from the Metropolitan and Provincial Law Association, from various other Incorporated Law Societies of great provincial cities and towns, and from individual attorneys, solicitors, articled clerks, and law students, signed by not many short of 6,000 names. These are not like Petitions got up among persons who do not understand the matters about which they petition. The Petitioners are all intelligent men, all practically interested in the question, and they are all of opinion that the establishment of a school of law on the conditions I have described would tend to elevate the dignity of their own branch of the profession, without causing any confusion of one branch of the profession of the law with another. I may appeal to the experience of Scotland on the point. In that country those who intend to be what we call attorneys and solicitors have always mixed in the course of preliminary legal education with the future advocates or barristers, and have received the same instruction without any disadvantage. In a lecture delivered by the late right hon. and learned Lord Advocate at Glasgow University, that right hon. and learned Lord bore emphatic testimony to the fact that many advantages, and no disadvantages, arose from the mixing together of the different classes of students. He said it had been found in practice that young advocates got business by means of the knowledge of their ability and capacity obtained by the pupils studying other branches of the law in the same University. We at the Bar of England do not experience that advantage, and many an able and learned man may remain with us long unemployed before his abilities are known. If, however, a Law University should be established, where the abilities of the different men would become manifest, it is very possible that solicitors would be led by their knowledge of the ability of barristers who had been their fellow students, and of whom they might otherwise have known nothing, to place business in their hands. That has happened in Scotland without anything of the vice of canvassing for business, and without the use of any unworthy means. Before I leave this part of the subject, I desire to

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noticed a misapprehension as to what would be the effect of this common instruction offered to all alike. It does not involve the consequence that when you came to examine for the qualifications to practise the different branches of the profession, you would require the same examination to be applied to all. Of course, I should say, by all means let those who so desire go through all or any of the examinations; but those who represent the bodies which have the power of calling to the Bar might determine what subjects of examination must be passed through by persons desiring to become barristers; and in like manner, those who represent the authority by which solicitors and attorneys are to be admitted to practise, might determine what subjects of examination that class of persons must pass through. You would require from each branch of students such knowledge as would be suitable for their particular career; but you would leave every kind of instruction open to all who chose to benefit by it. Perhaps the House would consider my statement incomplete if I did not say something with respect to the ways and means, by which this proposed institution might be supported. Those who have the best means of knowing are satisfied, from experience, that the school might be self-supporting by means of reasonable fees for attendance at lectures and holding examinations, if there were no other fund available for the purpose. I have no idea that the Government should pay for the institution, or take it into their own hands, as has been done in France, with evil consequences in some respects; and therefore I wish that, like our other great institutions of public instruction, this institution should be self-governing and self-supporting. But, if the institution could not be adequately supported by fees alone, I have no hesitation in expressing my conviction that the funds of those kindred bodies which would be affiliated with the new institution—I mean the Inns of Court—ought to be, and with their own free will would be, available for promoting the object for which those bodies exist. If, contrary to my belief and expectation, the heads of the Inns of Court should be found unwilling to co-operate in supporting such an institution, it would be in the power, and within the right, of the State to take them in hand and reform them. I do not wish or expect

that any necessity for such a course of proceeding would arise; for I believe that the same spirit which has led them to do what they have already done would, if Parliament should think the establishment of such a school as I recommend necessary, without any compulsion from the State or Parliament, induce them to do their duty by assisting that project with their funds. The hon. and learned Gentleman concluded by moving the Resolutions of which he had given Notice.

MR. OSBORNE MORGAN, in seconding the Motion, and expressing his concurrence in the observations of his hon. and learned Friend, said, it was an incontestable fact that this country was the only country in civilized Europe where there existed no school for the study of the law as a science in immediate connection with the practice of the law as an art. He did not think there existed any divergence of opinion in the House on the subject. Some instruction was, no doubt, obtained through the Universities; but half the members of the profession were not members of the Universities. The Incorporated Law Society seemed desirous of doing their duty in respect of the examination of articled clerks; but the Inns of Court, of one of which he had the honour to be a Bencher, had hitherto done next to nothing to insure the competency of those they admitted to practise at the Bar. Regarded from a social, not to say convivial point of view, nothing could be better than their arrangements. At no place in London could one obtain a better dinner or enjoy more pleasant society than at one of the Inns of Court; but, as regarded legal education, what had the Benchers done? Barristers were taught law as boys at public schools were taught swimming; they were thrown head foremost into deep water to get on as they could. With the single exception of requiring the payment of £100, and digesting a certain number of dinners, the Benchers at present asked nothing of law students. It was true students might attend lectures if they pleased; but lectures not followed by examinations were very lifeless things. Some of the most refreshing slumbers he had ever been blessed with were enjoyed in the lecture-room; and, as for attendance in a barrister's chambers, nothing could be more unsatisfactory as a test of compe-

tency. His own experience of such attendance was that he and his companions read *The Times*, discussed the affairs of the day, and amused themselves in various ways. They were under no obligation to study law, but in due time they were pronounced competent to practise, and if they lived long enough they would be perfectly eligible for a County Court Judgeship, a Colonial Judgeship, or even for a seat on the Bench of one of the Superior Courts at Westminster. In no other profession was such a state of things allowed. Medical men were not allowed to practise without examination; no one was allowed to enter the pulpit before examination; and even the Army was now closed to all but those who had passed an examination. What made the matter worse was, that a client did not choose his counsel as he chose his medical man; and, without casting any imputation upon solicitors, he had heard it remarked, that when you once saw the name of an attorney at the bottom of a brief you could generally guess whose would be the name of the barrister in the middle, the result being notorious that briefs were often given to incompetent men. But the matter did not rest there. What could be more inconsistent than to make the profession of the law the avenue to the highest offices of the State, and yet to allow a man to enter that avenue by an open gate? Even the hon. and learned Gentleman the present Solicitor General, who led the opposition to this Motion last year, admitted that a man without learning should not be allowed to enter a learned profession. He need not recapitulate the history of the question; but there was no doubt that for 27 years, as far as the Inns of Court were concerned, they had persistently refused to move an inch. In 1845 a Select Committee had reported that a compulsory examination for intending barristers should be established at once; in 1855 a Royal Commission reported that a University, to be composed of the four Inns of Court, should be constituted, and that students should be subjected to a preliminary examination. With neither of these recommendations, however, did the Inns of Court comply. They established a voluntary examination, and about a dozen students presented themselves in consequence. In 1870, how-

ever, finding something would certainly be done in spite of them, the societies awoke to the necessities of the case, and made some propositions. He had not, however, much faith in death-bed conversions, and in this case the conversion was accompanied by conditions which limited its value. The Benchers had resolved to establish compulsory examinations, but refused to admit anyone to their lectures unless he had paid their fees and become a member of an Inn. But why should not others beside intending barristers have the benefit of the lectures? Why, for instance, should not young men who intended qualifying themselves for seats in that House not be allowed to study law without being obliged to become members of an Inn? Several objections to the proposed scheme had been brought forward last year by the present Solicitor General; and the first of these was rather of a personal kind, and was rather a strange one. The hon. and learned Gentleman had said that there was not a single member of the legal profession of any eminence, except the hon. and learned Member for Richmond himself, who was in favour of the scheme; but the fact was, that many other legal men of the profession were in favour of it. Again, the hon. and learned Gentleman said last year that he could not bear the idea of intending solicitors and intending barristers sitting in the same room hearing lectures; but the same kind of thing was done in Edinburgh, and in the case of various corporate societies, and the objection was not entitled to much weight. Neither was the argument that the proposed institution would be a gigantic monopoly entitled to much consideration. He would like to know whether the Inns of Court were not a gigantic monopoly. The defects of our system of legal education had been pointed out by Lord Bolingbroke upwards of 100 years ago, but as yet no steps had been taken to improve it. Because he believed it would remove the stigma that at present rested on the profession to which he had the honour to belong, and because it would raise the moral and intellectual standard of that profession, he supported the Motion of the hon. and learned Member for Richmond to intrust future legal education to a public body, which would be responsible to public opinion and would be animated by public spirit.

Mr. Osborne Morgan

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is desirable that a General School of Law should be established in the Metropolis, by public authority, for the instruction of Students intending to practise in any branch of the Legal Profession, and of all other Subjects of Her Majesty who may desire to resort thereto,"—(Sir Roundell Palmer.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE ATTORNEY GENERAL: Sir, I think the House of Commons, and I am quite sure the profession to which I have the honour of belonging, are exceedingly indebted to my Friend the hon. and learned Member for Richmond (Sir Roundell Palmer) for bringing forward this Motion, and for the manner in which he has laid before the House his views on the subject. For my own part, I feel a respect almost amounting to reverence for my hon. and learned Friend, and I take a pride in belonging to the profession which he adorns. Thanking him heartily for what he has said, I shall approach the question with the most earnest desire to accept, if possible, any Resolution upon the subject which may have been proposed by him. I trust, however, that, while agreeing with him in principle, and, perhaps, going even further than he does on matters of detail, I shall be able to show good reason why the acceptance of these Resolutions by the House would be, at all events, premature, and why it would be unadvisable to pledge the House and the country to a course of action for which at present no adequate ground has been laid. In my opinion, the state of legal education in this country is not what it ought to be, and it is not worthy of the great country of which we are citizens. I also think that what the four Inns of Court have done, or are even now doing, is not what might have been fairly expected from them, having in view their great authority and the large funds at their disposal. Further, I am not prepared to discuss with my hon. and learned Friend the question which he mooted rather than fully discussed at the conclusion of his speech—namely, what upon consideration may be the authority of Parliament over the funds and the property of these four Inns of Court. There is no doubt

that the two Inns of the Temple—to one of which I belong—stand in this respect in a somewhat different position from those of Lincoln's Inn and Gray's Inn. I will not, however, enter into that question at the present moment, because the time has not yet arrived for its consideration. My hon. and learned Friend does not, as far as I understand the terms of his Motion, propose at present to touch the property of the Inns of Court; but I may remark that it is clear that property in the hands of bodies, such as the Inns of Court are, if they came to perform scarcely any public duties, would not, as things are now, be held by any secure or lasting tenure. The right of Parliament to deal with the property of such institutions is, of course, unquestionable. It is, however, only fair to state that the amount of the funds at the disposal of the Inns of Court, although certainly large, has been very generally exaggerated. It has been stated that the four Inns of Court have an income of £60,000 a-year, a statement which may be perfectly correct as far as the gross receipts are concerned, but the amount actually at their disposal for the government of the profession is not more than from £25,000 to £30,000. That, I admit, is a large sum, one the possession of which in the hands of bodies like the Inns of Court gives to Parliament and to all persons interested in the well-being of the legal profession a right to ask whether the best use is made of it. I have said in private, and I cannot hesitate to say in public, that I do not think the best use is made of this large sum of money. But there is a very great difference between making that admission and assenting to the attacks made upon the Inns by persons whose knowledge of the facts is altogether inaccurate. Let me state what I mean. It is perfectly inaccurate to say that the Inns of Court benefit by the great funds which it is their duty to dispose of to the extent of a single half-penny, except so far as the few Benchers are concerned who retain chambers in the Inns to which they belong; but whether they dispose of them in the best manner is quite another matter. At all events, it is quite inaccurate to say that the Inns of Court spent the funds at their disposal in pleasures or luxuries. It is another matter whether a great deal of money is well spent in giving to the students a much better dinner than the

sum the students pay for it could procure. It is also a very fair question whether the compelling students to eat dinners at all is a profitable mode of improving their legal education; but these are totally different from the statements that much of the money at the disposal of the Benchers is expended in providing themselves with luxuries wholly unnecessary. As far as the Inn to which I have the honour to belong is concerned—and I believe the same remark applies to other Inns—I do not believe that a single six-pence is lost to the funds of the Inn by the dinners which the Benchers eat. In the Middle Temple I believe that the fees paid by the Benchers very much more than cover the expense incurred in providing dinners for them. This is, however, matter which, though very open to be discussed, is subordinate to the question raised by the Resolution before the House. I admit that these Inns of Court, having very large funds at their disposal, and possessing a prestige which has come down to them from many centuries, ought to do, and, if necessary, should be compelled to do a great deal more in the work of legal education and the advancement of our profession than they have hitherto done. They have the power, the means, and the machinery ready to their hands for the creation of a school for the teaching of English law. When I say this, let me ask many hon. Members who are, and others who have been, actively engaged in the legal profession to take a perfectly plain, obvious, and sensible distinction. To teach the English law, understood in the ordinary sense, by means of lectures is a pure delusion. It must be learnt by practice in the Courts of Common Law and Equity, and by that means alone. And I will tell you why. We have had among us, without doubt, many lawyers who were naturally men of great minds, and who would have attained to eminence outside the profession equal to that which they reached as lawyers, but our legal system has come down to us from the Middle Ages in the unscientific form in which it now is; unscientific, that is to say, with the exception, speaking broadly, of the law of real property, mercantile law, and the comparatively modern law of easements, the first two of which are highly scientific, and the last-named is more or less scientific in its character.

The Attorney General

This is why, in my opinion, a knowledge of English law can only be obtained by practice. I hope to live to see the day when that scandal and reproach shall be removed from the great nation to which we belong. I hope to live to see an English Code, a code worthy of this country—a matter by no means difficult of accomplishment if the right people are chosen, the right principles of action are determined upon, and the right price is paid for the work done. If properly done, this would be one of the cheapest schemes which any Government ever sanctioned, and would entitle the Government bold enough to propose and successful enough to carry it out to the gratitude of its own time and of many succeeding generations. But I agree with my hon. and learned Friend that this good end will never be attained by collecting together and attempting to reconcile irreconcilable cases, generally speaking not worth the trouble of comprehending, or to crystallize the law into a number of scientific forms in the shape of digests, for that would be a mere waste of time and of money, and would lead to disappointment. The only means of attaining to real advantage in this direction is by intrusting persons competent for the task with the construction of a Code which should clearly lay down the law. The notion of a school of law in the sense in which my hon. and learned Friend uses it, unless there are great alterations and amendments in our forms of law, will, I think, be impracticable, for the reason that it is utterly impracticable to teach the law as it stands without actual experience of it in the Courts. You may, it is true, teach the principles which underlie the unscientific law of England and of some other countries. I remember Lord Cranworth once saying that he, an Equity lawyer, felt no difficulty in taking his seat in a Court of Common Law, because, after all, there were principles underlying almost all legal systems which a man with a good understanding and some common sense could master in a little time. That was very true, and Lord Cranworth was himself a very good example of what might be accomplished by common sense and sound legal understanding being brought to bear upon a system with which their possessor had been unfamiliar in early life. No doubt a great deal might be

done, and I should like to see it done, to fuse, or rather to bring together, the two branches of the legal profession, which are now entirely separate in education and in the practice of the profession, but which might with great advantage be brought more closely together under some common system, and under some common educational process. I know my hon. and learned Colleague (the Solicitor General) entertains on this subject an opinion differing somewhat from that which I hold. It is true, I know, that attorneys for the most part begin to study the profession some years earlier than barristers do, and, therefore, there must necessarily be difficulty in educating men of different ages in the same classes. These are practical objections, not to be answered in a word or a sentence; but, at the same time, I cannot help thinking that in this country the two branches of the profession are further removed from each other than there is any necessity for them to be. I am not prepared, therefore, to deny strenuously the truth of the opinion that there are foreign systems of law, differing in this respect from our own, which are more advantageous to clients than the legal system in practice at the present time in this country. No doubt there are great advantages in the two branches of the profession being separate; but the system has also its disadvantages, and the question is whether the existing system is better on the whole or worse on the whole than the systems we find prevailing in other countries. I am not myself prepared to say that it is on the whole either better or worse than the system prevailing, for example, in such a country as America. I have had the pleasure of knowing some of the best and most eminent American lawyers in New York, in Boston, and Philadelphia, and they were in no way inferior in cultivation and learning to distinguished members of the profession in this country. But while I have great sympathy with all the objects which my hon. and learned Friend aims at, I wish to point out that there is another side to the question. The Resolutions proposed by my hon. and learned Friend take it for granted, or, at all events, assert, that it is the duty of the State to undertake the teaching of the law. Now, that is a proposition to which I, for one, am not prepared to assent. The State

does not undertake to teach medicine, divinity, or civil engineering, and I am unable to see why, in the profession of the law alone, the State should undertake a duty which in every other liberal profession is properly discharged by independent authorities. The substantial meaning of my hon. and learned Friend's first Resolution is that a public school should be established by the State, and that the State, while being precluded from interfering in its affairs or management, should be responsible for it. But my hon. and learned Friend goes further than this, and says in his second Resolution that it is desirable in the establishment of such school to provide for examinations to be held by examiners. To that proposal I respectfully take exception. Provide for examinations, if you will, raise the standard of the examinations, interfere if you please either by actual authority or by such a pressure on the independent bodies as would be brought to bear upon them by a strong expression of opinion in this House; but do not make the examinations depend upon the school. Let the examinations be outside the school, and let them be conducted by independent bodies, which have an interest in the examinations being what they should be. At the same time, every encouragement may be given to the school and the colleges—and the Inns of Court might be made colleges in connection with a great legal institution, which should be made to do their duty, the power being left to them of admitting or rejecting persons who make application to them for admission into the profession. The Inns of Court ought to do the work which my hon. and learned Friend proposes should be done by this new institution, for the duty lies with them, and they should do it without any interference from the State. Those great and ancient bodies are in possession of abundant funds for the purpose. I grant you that they have not done their duty; but they ought to be made to do their duty. If, however, you raise up a new institution, independent of and outside the Inns of Court, you will not obtain what you want, as the new institution will be without the local associations and the means which the Inns of Court alone possess. It is not quite right for my hon. and learned Friend to say that the Inns of Court have done nothing. They have done some-

thing, though I admit they have not done all they might have done, or all they might have been fairly expected to do. At the same time, the Inns of Court have not been entirely idle or asleep, but have awakened up from the torpor in which they spent too many years; and it would be a mistake and a failure to raise up by their side a shadowy institution that would in vain attempt to rival their wealth, reputation, and influence. Since, and very much in consequence of, the movement which my hon. and learned Friend has set on foot, there has been an agreement on the part of the four Inns of Court to form a joint Board of Examiners, and to compel every person to undergo an examination prior to being admitted a member of an Inn of Court. Now if the Inns of Court do their duty, that examination ought to effect pretty nearly all we want, for it ought to render necessary such a preparation in those branches of the law which can be taught scientifically as to prevent the existence for the future of so large a number of barristers, who, however learned in other matters, are, as far as the law is concerned, hardly entitled to the appellation of "learned" at all. The examinations about to be instituted by the joint authority of the four Inns of Court ought, I should think, to bring about a very considerable revolution in legal education. The Inns of Court possess the requisite funds, and they are willing to spend large sums of money in the endowment and maintenance of lectureships on such branches of the science of the law as can be usefully lectured upon. Let me tell the House, however, that a lectureship is a mere delusion unless you get the right man to lecture, and are prepared to pay him such a sum per annum as will enable him to devote himself for a considerable time to lecture, and to lecture only. The Middle Temple was lucky enough to get Sir Henry Maine as its lecturer for some years. He was a most accomplished lecturer, and his lectures were profound and authoritative treatises on certain branches of the law. Indeed, he succeeded better than any other lecturer who has filled any of the chairs created by the Inns of Court; and this was not the fault of those bodies, because, as a rule, the salaries attached to the lectureships were too small to induce distinguished men to accept them. If, however, they were so

endowed that a person could live upon them, and look upon them as giving him a position in life, the case might be different. These things cannot be done in a moment, for the constitution of the Inns of Court necessitates a good deal of patience; but they have the means of doing them, and I believe they have now the will. They are bodies not easily moved, and such debates as this, such movements as that initiated by my hon. and learned Friend, afford that spur and incentive to more prompt and decided action which they undoubtedly require. I submit that it would be an evil to pass this Resolution, pledging the Government to undertake the teaching of law, without a more adequate exposition of the ways and means than my hon. and learned Friend gave us in his speech to-night, admirable as it was in most respects. The raising of the standard of examination is a practical matter, which is already being done by the Inns of Court; and, as far as attorneys and solicitors are concerned, I believe the examinations conducted by the Law Institution give little room for complaint or improvement. They are, in the main, excellent, and it is now rare to find a person admitted as an attorney or solicitor without a competent knowledge of the law which he has to practise. As to my own branch of the profession, I earnestly hope that, consequent upon this Motion and in accordance with undoubted public opinion, the Inns of Court will do all that is necessary to secure efficient examinations and a well-instructed set of students. They can do it, and they ought to be made to do it. I hope, therefore, my hon. and learned Friend will not subject me to the painful duty of voting against Resolutions with the object of which I heartily sympathize.

MR. GREGORY said, he was sure he represented his own branch of the profession in thanking the hon. and learned Member for Richmond (Sir Roundell Palmer) for his consideration of their interests, and his desire to raise their social status. With regard to the scheme under notice, he expressed simply his individual opinion, being well aware that many of his brethren took a different view. The scheme, shadowed out by the hon. and learned Member, was founded upon, or similar to, that which had been in operation for 30 or 40 years

The Attorney General

at the Law Institution, and which had greatly benefited his own branch of the profession. It consisted of a series of lectures and of examinations, and grants of certificates, which alone recognized ability to practise, and he could speak from his own experience of the improvement it had effected in the gentlemanly demeanour, moral conduct, and professional knowledge of the candidates. The absorption of that institution in the proposed scheme seemed to him objectionable and unnecessary, and he doubted whether it would not end in the destruction of an organization which had benefited and raised his branch of the profession. The hon. and learned Gentleman having abstained from entering into details, he was unable to judge whether the scheme would insure that practical education which was so essential for attorneys and solicitors. Moreover, if, as he inferred, the existing bodies were to continue to give certificates to practise, their standards of examination and that of the proposed school would probably differ. He would commend to the attention of the Bar a practical grievance of which the other branch of the profession had to complain. Under the present system, if an attorney wished to become a barrister he could only do it by abstaining for three years from the practice of the former profession. Except in the case of a man of independent property, that rule was simply to reduce the applicant to starvation, and was a practical prohibition of his changing his status, which was a real, substantial grievance. A reason had been alleged for this regulation that an attorney going to the Bar would carry his connection with him; but he could only have formed this by acquiring the confidence of his clients from the exercise of integrity and ability, and why should he not have the benefit of these qualities in the change from one branch of the profession to the other? He (Mr. Gregory) hoped the scheme of the hon. and learned Member for Richmond would have the effect of bringing all the branches of the profession nearer together; but he had considerable doubts as to the propriety of teaching principles in such a manner as to ultimately end in the destruction of practical knowledge.

MR. LOCKE said, that having been mixed up with this question since his hon. and learned Friend the Member

for Richmond (Sir Roundell Palmer) brought forward his Resolution last year, he was anxious to say a few words on the subject. First of all, he wished to set his hon. Friend who had just sat down (Mr. Gregory) right on one point—with regard to the construction, more particularly, of the second Resolution moved by his hon. and learned Friend. As he read that Resolution, it appeared quite obvious that the proposition of his hon. and learned Friend was that the certificate of competency to be called to the Bar was to come from his new college or school, or whatever he chose to call it—for he called it by different names, according to the place in which he spoke—he called it by one name when he addressed those assembled at Lincoln's Inn, and by another in the Middle Temple. They had never had the honour of his company at the Inner Temple; nor had he done honour to Gray's Inn by speaking there; but whatever the new college was called, it certainly was intended to absorb all the powers now vested in the Inns of Court, and also in the Incorporated Law Society in Chancery Lane. This new school or college, about which they knew nothing—and about which, looking to the empty benches in that House, very few people cared to know anything—this new school or college was a proposal which they were not anxious to enter into, for they felt it was good, in this as in other matters, to let well alone; and seeing that the Inns of Court had now been established for centuries, it was not worth while to throw them over for the sake of a new establishment, which was to do everything not only for the Bar, but also for the other branch of the profession. The House must not suppose—as, indeed, they might very well suppose, as far as anything that had been stated by his hon. and learned Friend—that the Inns of Court had not done anything in this matter. The fact had been kept back with the greatest care, that the Inns of Court had done everything in their power to remedy old defects. The only thing they had omitted to do was to establish compulsory examinations. The simple question, therefore, to be decided was, whether or not compulsory examination should be established. The Inns of Court had established Lectures and Prizes; they had done everything that could possibly be demanded of them; but what

they had omitted to do was to establish a compulsory examination. He had been a Bencher of the Inner Temple since 1857; and, therefore, he could speak with some practical knowledge as to what had been done. Before he became a Bencher, the Council of Legal Education—composed of a certain number of Benchers—had been appointed, and lectures were given to all who chose to attend them. Examiners were also appointed; but the examination was optional; and it was on this point that the greatest difficulty was found. The Benchers of the different Inns were doubtful as to the efficacy of compulsory examinations; but, in that, they were not more to blame than the rest of the world. Compulsory examination was then a moot point. It was only recently that compulsory examination had been considered requisite for everybody; and he believed the system was being carried to such an extreme that it would soon descend to the cases of chimney-sweeps and others of that class. Dr. Lushington and Lord Brougham were decidedly opposed to compulsory examination; and they gave as their reasons for being so that there must always be a number of talented and gifted men who could never be put through such an ordeal. Cicero was not examined before he pleaded. In olden times, there were greater men than flourished at the Bar now, or were likely to appear again; but these great ornaments of the profession, and the greatest ornaments of the Bench and Bar, had never submitted to a compulsory examination. There was a great division of opinion among those who had the direction of these matters, as to whether compulsory examination would be beneficial. In the year 1859 this question was raised; and a committee of the four Inns of Court was appointed to consider what alterations should be made with regard to legal education—and, more especially, to consider the question of compulsory examination. What was the result? Certain alterations were made as to education, and the mode in which it should be carried on; but every single subject proposed to be taught by this new college was then taught and continued to be taught to the present day. There was, therefore, no novelty in the proposal. And as to compulsory examination, what was then done by that committee of the four Inns of Court? They

agreed to compulsory examination; but it was necessary that their decision should have the sanction of each Inn separately. It was submitted to the four Inns. What was the consequence? The Inner Temple, the Middle Temple, and Gray's Inn adopted it. By whom was it rejected? By Lincoln's Inn, of which his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) had been a Bencher from 1849—10 years before this took place. Why did he not use his great powers—for there was no one superior or probably equal to him at Lincoln's Inn—why did he not use his great powers to induce his own Inn to establish compulsory examination? They refused to do so, and that part of the scheme was therefore lost.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. LOCKE, resuming, said, that Lincoln's Inn having dissented in 1859 from the principle of compulsory examination, unless that Inn could be brought to alter its opinion it was impossible to carry out that principle, inasmuch as the Council of Legal Education was composed of members of all the four Inns, and all the four Inns contributed towards the expenses of the establishment, and likewise to the prizes offered to the students. He should like to know whether the hon. and learned Member for Richmond showed a great anxiety for establishing compulsory examinations in 1859? [Sir ROUNDELL PALMER was understood to observe that he had then supported examinations.] Then all he could say was that the hon. and learned Gentleman must, according to his own view, have been in very bad company. But in 1859 the principle of compulsory examinations was not so popular as now; and it was only by degrees that it had got into so much favour. He was, however, at a loss to know in what respect the four Inns of Court now fell short. They now taught every one of the subjects which the proposed new college of the hon. and learned Member for Richmond would teach. Their lecturers were second to none, and had the confidence of all who understood anything about those matters; and the system of compulsory examination had now been established, and came into operation on the 1st of January.

Mr. Locke

He might also mention what had been done by the Inner Temple itself, quite irrespective of the other Inns. It had appointed five tutors, each of whom taught a different subject to his class; and although those gentlemen had only been at work in that way since the 1st of last January, they had each a very full school. The hon. and learned Member for Richmond could hardly know what the Inner Temple was doing, although he knew almost everything else, because the Inner Temple said very little about it. They did not go from house to house, asking people to sign petitions, as had been done on behalf of the proposed new college. One of those petitions had been sent even to him, as if it were thought that he might have turned round on that question. That petition was extremely wide in its terms; it was like a very large net, that would do equally well to catch a whale or a sprat, and he dared say it had caught a good many gudgeons. He believed that a great number of persons had been led to support a scheme of which they really know little and cared less. The new college would, no doubt, improve the Inns of Court and their educational and social system off the face of the earth. It would bring in a system of all work and no play, which proverbially made dull boys, and, although it might turn out some exceedingly clever men, it would probably turn out few lively ones. The students would only have to sit on a form and hear lectures. Lord Justice Mellish was certainly not enamoured of lectures, because when the Inner Temple plan of having tutors was under consideration, that learned Judge told them for Heaven's sake not to have lecturers, and that as for giving lectures to lawyers, it was all nonsense, and that he had never derived the least benefit from them himself either at the University or anywhere else. For his own part, he (Mr. Locke) thought that if students were to go to the Bar merely by attending lectures, few of them would pass the examination, and, consequently, a great deal of coaching and cramming would arise. The men who had succeeded at the Bar and risen to the head of the profession had gone into the chambers of the special pleader or the conveyancer, or both, and had read and studied there. When he entered for the Bar there used to be de-

bating societies which discussed legal questions—a better mode of advancing one in the knowledge of the law than simply attending lectures; but now that had gone out of fashion. The four Inns of Court had, as far as they possibly could, met the opinion of the day, although whether all they had adopted would be for the advantage of the Bar he could not undertake to say. It would be utterly impossible for any man, even with the assistance of lectures, to hope to gain any very great success at the Bar unless he went into a pleader's or a conveyancer's chambers. He was glad to find that at all events the Inns of Court were to have some respite from those desperate attacks, and he hoped that by the end of the year the results of the course which had been pursued by the four Inns of Court would not leave the hon. and learned Member for Richmond a peg to hang his arguments on. Seeing, however, what the hon. and learned Gentleman had done for the Inns of Court by rousing them up, and inducing them to take steps which they might perhaps not have taken without his having agitated this matter, he begged to return him his thanks, and to assure him that the Benchers would be happy to see him to dinner, and to drink his health.

Mr. AMPHLETT said, he must congratulate the hon. and learned Member for Richmond (Sir Roundell Palmer) upon the fact that all the Inns of Court had taken a step in advance mainly in consequence of his exertions. This question now stood upon a very different footing from that which it had once occupied, because he recollects when there was a difference of opinion among the members of the Inns of Court as to whether it was advisable to have any compulsory examinations whatever. The question, however, was whether the plan of the hon. and learned Member was the best which could be proposed for securing an efficient legal education to those about to adopt the Bar as their profession, and to prevent men who had never opened a law book from attaining the status of barristers. He could not join in all the sneers which had been uttered with respect to the Inns of Court, inasmuch as they could scarcely be blamed for not having been the first to adopt the system of compulsory examination, which was a plant of very slow

growth, and the value of which was only just beginning to be appreciated in this country. Although he intended to support the Motion of the hon. and learned Member, he should have preferred a scheme under which an Act of Parliament should have been passed establishing a legal University, to which the Inns of Court might have been affiliated as colleges. Were the scheme of the hon. and learned Member, however, to be adopted, he believed that the same result would be arrived at, inasmuch as the Inns of Court would come forward and provide the necessary funds for the support of the Central School of Law. Some of the criticisms of the Attorney General upon the Resolutions of the hon. and learned Member were scarcely justifiable, because those Resolutions proposed neither that the school should be under the control of the Government, nor that the examiners should be appointed out of the school. He was afraid from the tone of the hon. and learned Gentleman that the Government did not intend to support the Resolutions.

MR. M'MAHON said, that the hon. and learned Member for Richmond (Sir Roundell Palmer) had been hardly happy in appealing to the practice on the Continent as if it had been successful. Now, on comparing what had occurred on the Continent with what had occurred in England, that was not the case, and they ought to hesitate to set aside a practice which had been in existence for centuries. The hon. and learned Member had admitted that the practice in France had been productive of evil, because the law in that country had been made subservient to Government purposes. The Government there appointed the teachers, and they would teach what was agreeable to the Government. He believed that the foundations of liberty would be sapped by the appointment of teachers by the Government. In all parts of the Continent where these schools prevailed, public rights were never vindicated by the professors of the law. They were either vindicated by conspiracy or rebellion. In Spain, in Italy, and in Germany, no public rights had ever been vindicated by schools of law, and wherever schools of law were promoted and fostered by the Government they taught what would suit the Government, but what would not suit the people. More than that, in all institutions of this kind

established by the Government, the parties appointed were to a great extent responsible to the Government. The Bar had hitherto been the champion of the liberties of the subject as opposed to the Crown; but if the Inns of Court were to be abolished, and the institution for educating students at law were to become subject to the Government, the independence of the Bar would be gone; for, although the appointments made by the Government would be subject to criticism in the House of Commons, favouritism would prevail, and lectureships would be given rather for political services than legal attainments. The Inns of Court were not now deficient in the means of providing a good legal education to students. They had readers upon constitutional law, jurisprudence, equity, the law of real property, common law, and Hindoo law; they had also five examiners, and had established a large number of studentships and exhibitions. They had done all that could reasonably be required of them, and if further means of education were required he had no doubt they would provide it. Speaking in the interests of the public at large, he thought that the worst thing that could happen to this country would be to supersede the Inns of Court by the establishment of a University under the protection of the Government.

MR. WREN-HOSKYNS said, he would heartily support the proposition of the hon. and learned Member for Richmond (Sir Roundell Palmer), because he believed that the public would derive great benefit from it, if it should be carried into practice. Reference had been made to the Roman law, which he greatly admired, and as he believed the system advocated by the hon. and learned Member would increase the knowledge of the Roman law throughout the country, and modify the present leaning towards the feudal system, he was greatly in favour of the proposition. A very large body of the legal profession in Herefordshire and Monmouthshire had expressed a strong feeling in favour of the scheme, and he had no doubt that a similar feeling existed throughout the country. One great advantage of the scheme was that it did not attempt to make any narrow distinction between the two branches of the profession, but to disseminate a better knowledge of the law throughout the country. He could

not help expressing his conviction that the establishment of the proposed school of law would be the beginning of an almost new system of law, and give new ideas of the duty of a lawyer. He also thought that in the establishment of a school of law there was nothing to prevent the Inns of Court from carrying out all the reforms which they might contemplate.

Sir RICHARD BAGGALLAY said, the Resolutions of the hon. and learned Member for Richmond (Sir Roundell Palmer) involved abstract principles to which he apprehended an almost universal assent would be given; but, unfortunately, each separate Resolution was expressed in language, and had been supported by arguments which rendered it extremely difficult, if not almost impossible, for many hon. Members who concurred in those abstract principles, to vote for the Resolutions themselves in their present form. As to the 1st Resolution, the abstract principle involved in it was this—

"That it is desirable that a General School of Law should be established in the Metropolis, by public authority, for the instruction of Students intending to practise in any branch of the Legal Profession, and of all other Subjects of Her Majesty who might desire to resort thereto."

For one, speaking as an humble individual, he begged to express his entire assent to that proposition. He believed it to be of the utmost importance that there should be in this metropolis a school of law, to which there should be a resort not only by those who were students and intending to practise whether as barristers or as attorneys and solicitors, but also by those other subjects of Her Majesty who might desire to resort thereto. It was beyond all doubt that there were many callings in life besides the legal profession to which a knowledge of legal principles was essential, or, if not essential, at any rate of great advantage. He should therefore desire to see in the metropolis a school of law to which those subjects of Her Majesty should resort as well as those who intended to follow one of the branches of the legal profession. But the Resolution introduced this complication—that this general school of law was to be established by public authority. Now, what was meant by public authority? Those words might have very different meanings, according to the particular

interpretation which particular hon. Members, or particular persons, might place upon them; but he thought it was impossible not to come to the conclusion, having regard to what had been said in the House that evening, to what was said in the House last year, and to what was said out-of-doors, that "by public authority" was meant State control. It might be said that it was not intended by these words that the proposed college, or university, or school should be under direct Government control, but that, as regarded the government of that institution, the State was to have a very considerable interference in the matter. At any rate, the introduction of the words "by public authority" rendered it doubtful how far the House should agree to the Resolution in its present form. If the words "public authority" were omitted, he would give his most cordial support to the Resolution. But those words introduced an element of doubt, or, rather, they showed an intention on the part of those who employed them to give to the Resolution a very much larger import than it was found desirable to admit in the present discussion. It might be asked, however—What possible suggestion can you make for the establishment of a new school of law, unless you establish one under public authority? He contended that there were elements in existence which, if properly applied and energetically developed, would do all that was necessary. It could not be forgotten that of late very much greater attention had been paid to the subject of legal education than was ever done at an earlier period. With what result was evidenced by the fact that he had had within the last 12 months an opportunity of seeing the examination papers for law and history at the University of Cambridge, and he would venture to say that anyone who passed even for the ordinary degree at that University at the present time must have a knowledge of law which many in large practice at the Bar would be only too happy to possess. Again, they had got in the Inns of Court all the elements required for carrying out that system of legal instruction, the commencement of which had already been made, and the development of which could not be far distant. There had, it was true, been a laxity on the part of the Inns of Court for some time; but

that might be excused because there had never been wanting under the old system men highly qualified to discharge all the duties both of the Bar and the Bench. But from the Resolutions arrived at, separately and in conjunction, by the Inns of Court within the last year, it would be seen that there was a desire on their part to give effect to the public wish that a full and sufficient system of legal education should be provided. It might be said that the education given by the Inns of Court was limited to members of the Inns, to those who were to practice at the Bar. But were it not for the Government stamp costing £25, which practically made the matter expensive, and which, perhaps, the right hon. Gentleman the Chancellor of the Exchequer would be prepared to remit, any gentleman who desired, for instance, to be a Member of Parliament or a magistrate of the county in which he resided, might become a student of the Inns of Court and have all the benefits to be derived therefrom upon a payment of £8 10s. or £8 15s. for admittance, and the annual contribution for the lectures which he desired to attend. The abstract principle involved in the 2nd Resolution was one to which no objection could be taken—namely, that—

"It is desirable to provide for Examinations to be held by Examiners impartially chosen, and to require Certificates of the passing of such Examinations as may respectively be deemed proper for the several branches of the Legal Profession, as necessary qualifications for admission to practice in those branches respectively."

At the present day, no one would raise any objection to the establishment of examinations, to be conducted by examiners impartially chosen, for the purpose of testing the fitness of those who were to be called to practice as barristers or as solicitors and attorneys. But nothing was said in the Resolution as to whether there was to be the same examination for each of the two branches of the profession. He yielded his ready assent to the abstract principle; but, unfortunately, the terms in which that abstract principle was contained introduced the complication of which he had complained, and which rendered it impossible for him to vote for the Resolution in its present form. If we had already got within the metropolis schools of law established by the Inns of Court, and if those schools were competent to provide education for

all those whom it was intended to call to the Bar, and if provision was made for the purpose of testing the qualifications of the students, why, if another school of law were established which was to be only of equal authority with the existing schools, should there be conferred on this new school the right of conducting all the examinations? The introduction of this complication would prevent hon. Gentlemen who concurred in the abstract principle from voting for the Resolutions as they stood. He desired to tender his thanks to the hon. and learned Member for Richmond for the exertions he had made with a view to raise the legal profession in all its branches, but he very much regretted that towards the close of his speech the hon. and learned Member had thrown something like a reflection on the Inns of Court, and on the very Inn to which for so many years he himself belonged. The hon. and learned Member, when speaking of the ways and means by which he would support this new university or school, stated that the fees of those who attended it would be sufficient. The hon. and learned Member went on to say that if once a school of this kind were established he was sure the Inns of Court would be among the first to give effect to it, and would be willing to devote a portion of their fees to that purpose. If the hon. and learned Member had stopped there he should have been satisfied; but he went on to utter a threat that, if disappointed in these expectations, the time would come when they would be dealt with in a rougher manner. That was a threat which appeared to point to a confiscation of the property of the Inns of Court if they did not accede to the views which the hon. and learned Member recommended. He very much regretted that the hon. and learned Member had indulged in such language; and he would now suggest to the hon. and learned Member that, having regard to the opinions expressed in various parts of the House, he would not press the Resolutions, but be satisfied with having drawn attention to the subject.

SIR FRANCIS GOLDSMID said, that the opinions of the Benchers of the Inns of Court had probably been stated with sufficient fulness by his hon. and learned Friend the Member for Southwark (Mr. Locke). He (Sir Francis Goldsmid),

Sir Richard Baggallay

therefore, although he had the honour of being a Bencher, did not desire to speak from their point of view, but wished to look at the question with reference to the smaller schools of law, in the management of the institution maintaining one of which, University College, London, he had long taken part. When his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) last summer brought the same subject under the consideration of the House, he (Sir Francis Goldsmid) had ventured to point out that the proposed general school of law would, in fact, constitute a new monopoly. His hon. and learned Friend, possibly referring to these remarks, had to-night vindicated himself from the charge of intending to give any monopoly, or any unfair advantage, to the new school to be established by public authority. But whatever his intention might be, was not this the necessary effect of his proposal? His Resolutions left it in uncertainty by whom the examiners were to be chosen, but from his explanations it might be collected that they were to be appointed by the Government.

SIR ROUNDELL PALMER said, that he had said not that the examiners were to be appointed by the Government, but that the Government would decide in whom the choice should be vested.

SIR FRANCIS GOLDSMID: The remark just made showed most clearly how impracticable it would be to avoid giving a monopoly of legal education to the new school of law. As the appointment of examiners was connected by the 2nd Resolution with the establishment of the new school, the Government would naturally give to that school a preponderating share in selecting the examiners. How, then, would it be possible for smaller institutions, such as University College, to have the slightest chance of competition against this gigantic corporation under Government patronage, the certificates of whose examiners were to be a necessary preliminary to the admission to practice both of barristers and solicitors, and which was at the same time to be itself a teaching body? The establishment of such a school appeared to him (Sir Francis Goldsmid) to be as superfluous as it was objectionable. If English lawyers were imperfectly educated, it was not for want of good teachers in the already existing schools.

John Austin—to whose lectures the hon. and learned Mover had himself referred as having been adopted as a text-book—had been the first Professor of Jurisprudence in University College, London, then called the London University. Mr. Amos, afterwards legal member of the Supreme Council of India, was the first Professor of English Law in the same institution. Mr. Maine, and other eminent lawyers, had been, and were, lecturers in the Inns of Court, and in University College and King's College, London. The London schools had hitherto been unsuccessful, not from any want of excellence in the teaching, but from the unwillingness of students to give their time to the general study of law, owing to the absence of a compulsory examination. And now, just when the introduction of such an examination was about to give to these schools a chance which they had never had before, his hon. and learned Friend proposed to step in and to crush them by means of his monster establishment. He (Sir Roundell Palmer) assured them, indeed, that the larger school would do to the smaller ones rather good than harm. They were much obliged by his kind intentions, but would much prefer to try what they could do with the help of a compulsory examination, and without what the hon. and learned Member for Richmond regarded as the aid, but which they considered as the unfair and crushing rivalry, of a privileged school. Such a monopoly as that proposed was not to be found in any other learned profession. No one set of examiners had the exclusive right to admit to practice students of medicine. In Divinity every Bishop had the power of granting orders within his own diocese; nor was the proposal before the House less opposed to the successful experience of the University of London. This institution comprised a Board of Examiners, chosen by a Senate, selected partly by the Crown, and partly by the graduates. No school was specially connected with it; but students from various colleges came to the University to be examined, and, although it was a modern institution, its degrees had already obtained a high value. He (Sir Francis Goldsmid) was unwilling that a plan which had worked so well should be departed from, and that a monopoly of education should be given to any new law school.

MR. T. HUGHES, in supporting the Resolutions, said, he considered that organization and method were wanted in this matter of legal education, and that was precisely what the Resolutions of his hon. and learned Friend (Sir Roundell Palmer) pointed to. Several objections, however, had been raised in the debate to the proposed plan, to which he would refer. With regard to the objection of several hon. Members to the school being established by public authority, he had been under the impression that that had disappeared some time ago. Creation by public authority in this case meant no more, and was nothing more than what had been done for other institutions—the Colleges of Physicians and Surgeons, for instance, which did for the medical profession what this law school would do for the legal profession. With regard to another objection, that the examinations were to be left in the power of the school, his hon. and learned Friend had emphatically denied that he proposed to give the new school of law the exclusive right of examining into the fitness of the candidates. The hon. and learned Gentleman the Attorney General had said that the whole scheme would be a delusion unless they got the best men for lecturers; but at the very same time he admitted that one or two of the best modern lawyers in England had been lecturers. His learned Friend knew as well as he did that there was a certain set of men who precisely fulfilled all the conditions which would be required for lecturers—men fond of the science of law, who would be ready to devote their talents and time to teaching law scientifically. It had been objected by the hon. Member for West Sussex (Mr. Gregory), that the teaching of principles, which would be the main object of the law school education, would supersede practical education; but it could not do so, as the scheme did not propose to interfere with the present training in barristers' chambers and solicitors' offices. The hon. and learned Member for Southwark (Mr. Locke) said that the lectures at the Inner Temple were a great success, and yet, almost in the next sentence, declared that he had no belief in lectures as a means of teaching the law.

MR. LOCKE said, the Inner Temple had recently appointed, not lecturers,

but a system of tutors and class teaching, and it was the latter he had described as a success.

MR. T. HUGHES: Well, he did not suppose the hon. and learned Member for Richmond would object to the word tutors instead of lecturers. The Solicitor General sneered at the proposal, and declared that the most successful barristers did not want it. Well, but it was not the heads of the profession for whom this scientific training was intended, though many of them would be the better for it. It was the average men at the Bar—County Court Judges, and that sort of person. The rank and file—if he might use the expression—of the profession missed the advantage of such an education as would be given by his hon. and learned Friend's proposal. A little scientific knowledge would be a most useful acquisition to the great bulk of the profession, and no one would deny that they had not got it at present. He had understood one hon. Member to say that in Ireland persons who were obnoxious to the Crown could not be called to the Bar. That had taken him (Mr. Hughes) by surprise; but at any rate no such statement could apply to this part of the United Kingdom; and, as the Crown would have nothing to say to the call to the Bar under the proposed scheme, he did not think the objection to this part of the proposal was more valid than those which had been made to the other portions of it. In conclusion, the hon. and learned Gentleman read an extract referring to the proposal now before the House from the speech of one of the highest legal authorities in the country (Vice-Chancellor Wickens), recently delivered at the annual meeting of this association to which he belonged, and of which the hon. and learned Member for Richmond was President. The Vice-Chancellor said—

"I am convinced that the simplification of the law depends upon its scientific teaching, and that scientific teaching depends substantially and practically, at this moment, on what can be done by us."

He hoped, therefore, that the House would agree to the Resolutions now before them.

MR. STAVELEY HILL said, there appeared to be some misapprehension, for which he must confess the language of the hon. and learned Member for Richmond (Sir Roundell Palmer) gave

considerable room, as to how far it was intended that the school proposed to be established by the hon. and learned Member should possess the monopoly of legal education, and of the right to practice either as barrister or as solicitor. However far that language might extend, there could be no doubt from the wording of the Resolutions that what was aimed at was the establishment of a school from which examinations should proceed, and the certificates from which should be a necessary qualification either for the barrister or the attorney. Now, in his opinion, instead of such a monopoly as was here contemplated, it was far better that the power should be distributed over five different bodies as at present—one relating to attorneys, and subject to the highest control, the other four relating to barristers, under the control of the most eminent men of the Bar, and subject, again, to appeal to the Judges. It was impossible to have a greater guarantee for the independence of the profession. What was aimed at was said to be a better system of education. Now it was a little curious that the one Inn of Court which from 1858 down to last November resisted the requirement of compulsory examinations was represented in this House by men who were in favour of the Resolutions. As a Bencher of the Inner Temple, he could say that the governing body of that Inn had, some 14 years ago, accepted the system of compulsory examination as the one thing required to insure a satisfactory legal education; and in that requirement now at last Lincoln's Inn had acquiesced, and the four Inns were agreed; and in order to give full effect to the system thus adopted, the Inner Temple had established, at a cost of something over £2,000 a-year, a system of tutorships, with a view to practical instruction in chambers, and he was happy to say that every one of the chambers of these tutors was thoroughly well attended; and, as far as could be seen from the experience of a few months, the mode of teaching thus adopted would leave nothing to be desired. That system would be fully carried out by the Inner Temple; it would, no doubt, be followed by the other Inns of Court, and he felt sure that if this school were founded at the expense of sacrificing all that existed at present, it could only adopt a plan of the same

kind in order that students might study the law in such a manner as to make it of practical value to themselves and their clients hereafter. What were the views entertained upon this subject by those practising attorneys best qualified to form a correct judgment in this matter? In March, 1871, the Council of the Incorporated Law Society, whose views on the subject had been asked, expressed

"A decided opinion that no amount of study of the theory of the law, under professors or in classes, no examination on the subjects of such study can be accepted as a sufficient substitute for practical training in the offices of attorneys, or examinations founded on such practical training."

It was said that they had since altered their opinion, but in their short resolution of March, 1871, he saw nothing contravening their original view, and the solid arguments upon which that view was formed. With regard to control over admissions and over gentlemen in practice, this was at present exercised in the case of attorneys and solicitors by eminent men in their own body—men who had attained the first rank in their branch of the profession, and who were selected in delicate and difficult matters as arbitrators—and in the case of barristers by the leading members of the profession. Of the latter there were about 200 Queen's Counsel, and as to the position and presumable fitness of these gentlemen for the responsibilities of their position, he might point out that of these 23 or 24 were Privy Councillors, and 21 or 22 Members of this House. The hon. and learned Member for Richmond hinted last year that the most eminent members of the Inns of Court did not take an active part in the government of those bodies, but he believed the division lists would show that on important questions they took a very active part. It had been said that the four Inns should be united into a sort of university, but that he thought had been suggested without consideration, because the Inns, in carrying out the suggestions to this effect of the Committee of 1845, and of the Royal Commission of 1855, already acted together as one body, and in the Council of Legal Education, comprising five Benchers from each Inn, they had the control of the whole legal education of the Bar. This Council of Legal Education acted as the congregation of the Legal University, of

which the four Inns were practically the colleges, the whole body of the Benchers forming as it were the Convocation. As for the 12 dinners or so which the students had to attend in the course of the year, that might seem a rude test, but it served the purpose of bringing men together, and showing whether they were fit for admission. It was the only mode of bringing men together upon something like a collegiate system. If anything better could be devised for that end it would gladly be adopted. It must not be supposed that the Benchers derived any emoluments from their position, for they had to pay 300 guineas to the funds of the Inns upon their admission to the Bench, and had to wait 12 or 13 years before they obtained any interest thereon in the shape of chambers. The only desire of those who opposed these Resolutions—believing that the government and control of both branches of the profession was at present in the hands of those best calculated to direct it—was to keep the profession a learned body, an honour to themselves and of use to their country. Were the system absolutely abolished nobody would care much about it.

Mr. SERJEANT SIMON said, he had always been of opinion that the Inns of Court might have discharged their duties with greater efficiency than they had done, and he had always been in favour of compulsory examination; but nevertheless he could not support the present Motion, for he conceived that all the materials were at hand in the existing bodies for securing the object sought to be obtained. He believed that so far as general teaching in jurisprudence was concerned there was no necessity for any change. It had been the practice of gentlemen of fortune to enter the Inns of Court without any intention of practising at the Bar, and this, he thought, accounted for the abuses which had sprung up in the admission of persons who had given little or no time to the study of the law. Under the mistaken notion of encouraging men of fortune to join the Bar, the Benchers had allowed persons to be called without subjecting them to any test, with the idea, perhaps, that with regard to those who intended to practice there was no better incentive to study than the knowledge that their progress in their profession depended upon the

acute judgment of the able and astute gentlemen who practised as attorneys. His belief was that if the present system failed to secure for those who intended to practice a high legal education, the proposed university would not succeed better. Whatever the shortcomings of the Inns of Court, they had certainly produced eminent lawyers and statesmen, of whom any country might be proud. But he thought that the time had arrived when there should be a system of compulsory examination, because, as matters now stood, judgeships in the colonies and other judicial offices were given to gentlemen whose only qualification was that they had been a certain number of years at the Bar. That was a scandal which should no longer be suffered. He admitted that general legal education was deficient; and that it would be advantageous for students to begin their studies by a comprehensive survey of what might be called the philosophy of law and by education in those other branches of jurisprudence in regard to which law students in this country were greatly deficient. But in his opinion the course taken by the Inns of Court would meet all the exigencies of the case, for they had established lectures in jurisprudence, in Roman law, international and constitutional law, and legal history, and in the various branches of their own municipal law. It should be remembered, also, that the practice of English law was dependent on the course of legislation, and that there was a constant alteration going on in the law arising from new legislation and the decisions of the Judges. These constant changes were unavoidable in a complex state of society like ours. The Attorney General had likened the profession of the law to other professions, and on that ground objected to the interference of the State in the matter. The fact was that the State did interfere in other professions. It interfered, for instance, in the medical profession. But apart from that, the profession of the law stood on a distinct footing, for it was from the ranks of the Bar that the Judges were selected, and therefore he thought that the law was a profession which the Legislature might well be justified in looking after. He ventured to say that there was no necessity for the proposed school of law, for there ex-

isted in the metropolis the four Inns or Court, and also that other valuable institution, the Incorporated Law Society, and it would be a waste of power, as well as means, to create a new school of law. The only effect must be either that the new school of law would absorb or nullify the usefulness and powers of the existing bodies, or that it would itself be rendered useless by reason of the vigorous action of the Inns of Court, whose antiquity and prestige, so long as they carried out what they had begun in the education of their students, would always secure them the preference. While, moreover, he could not support the Motion of the hon. and learned Member for Richmond, he, for one, was ready to acknowledge the service he had rendered in bringing the subject of legal education before the House.

MR. SPENCER WALPOLE said, the House was in danger of being diverted from the real object in view, and that the Resolutions moved by the hon. and learned Member for Richmond had been misunderstood, and he certainly did not consider that they bore the construction put on them by the hon. and learned Gentleman who had just spoken (Mr. Serjeant Simon). If the hon. and learned Gentleman's construction were correct, it implied that the hon. and learned Member for Richmond meant to have a separate, independent school of law, which, superseding all other constituted bodies, was to prescribe examinations, and give such certificates to practice as were at present given by the existing authorities. Now, if he believed that to be the object of the Resolutions he should be opposed to them.

MR. SERJEANT SIMON: I did not say that was the object of the Resolution, but that it would have that effect.

MR. SPENCER WALPOLE thought he would be able to show that such would not be its effect. There were two reasons why he supported the proposals of the hon. and learned Member for Richmond. He believed that if his Resolutions were carried, it would be greatly for the good of the legal profession, and still more for the good of the whole community. He was of opinion that it would be greatly for the good of the profession, because the result would be to raise that profession from the mere cleverness of practitioners into a still higher intellectual position, by requir-

ing that fundamental and liberal knowledge of jurisprudence which must be the groundwork on which we should build our system of law, not only in England, but in every part of Her Majesty's dominions. It was well known that the cleverness of the practitioner was acquired, as it would still be, in the chambers of the barrister under whose instruction he was taught the practice of the law. But could anyone suppose, he would ask, that the mere circumstance of that instruction being continued was in any respect a substitute for the teaching of those great and enlarged principles of jurisprudence on which everybody who aimed not merely at a successful practice at the Bar, but at the future higher and still more important functions, not only at home, but also abroad, must feel and know that the right administration of the law to all Her Majesty's subjects would ultimately depend? He could not but believe that great good would ensue from such an obligation being imposed on everybody who was about to join the legal profession. When the whole of the Empire was taken into consideration, and the various kinds of law which were required, not merely common law, not merely equity, but all the principles of civil, constitutional, and international jurisprudence, the advantage of such information as the Resolutions, if adopted, would tend to secure could not in his opinion be estimated too highly. By means of them there would be established under the authority of the State, and directed by it, a school of law; but to say that everything was to be conducted in that school in accordance only with the notions which the State might think fit to impose, was to read the Resolutions in a sense in which he for one did not regard them. The hon. and learned Gentleman the Attorney General endeavoured to fasten on the words "public authority" an unnatural construction, on which he was sure the hon. and learned Member for Richmond never intended they should bear. The interpretation he (Mr. S. Walpole) put upon the hon. and learned Member's proposal was entirely different. There were at present four Inns of Court, acting independently of each other, which could only by agreement act concurrently, and if they were to take different views on the subject of education and professional discipline, there was no power by

which they could jointly and concurrently be required to extend that education or enforce that discipline. This was not a public but a private authority. Public, indeed, the authority was in one sense, inasmuch as the Judges had recognised the Inns of Court as the privileged societies for admitting students to the Bar; but in another sense the authority was private; for they could all of them make their own private regulations. And so when the hon. and learned Member used the words "public authority" he apprehended he meant that a school of law should be founded subject to such provisions as might in an Act of Parliament—that is to say, by public authority—be prescribed for its government.

SIR ROUNDELL PALMER: By Act of Parliament, or Royal Charter.

MR. SPENCER WALPOLE: Yes; but in this case, he thought there must be an Act of Parliament, as well as a Royal Charter, to prescribe the regulations and determine the powers which an Act of Parliament could alone control. If that were so, the criticism to which the hon. and learned Member's 1st Resolution had been subjected must, he thought, entirely fall to the ground. He next came to the 2nd Resolution, which said that in establishing such a school, it was desirable to provide for an examination. The Attorney General seemed to think that the examiners were to be persons connected with the school, and that they could not be independent of it. But there was not a word in the Resolution which stated that the school of law should not be conducted independently of the examiners by whom the students were to be examined before they could pass. If he were right in that interpretation of the 2nd Resolution, the Government would, he thought, do well to consider whether the argument of the Attorney General, in respect of the general object of the hon. and learned Member for Richmond, did not make it doubtful whether it would be wise for them to defeat an object which was on all hands recognized to be good, merely because by some hypercritical analysis of the Resolutions, they might be capable of a narrow interpretation which their author never intended. Let not, then, so important a question turn upon points so minute as these. It was important

that the question, after having been discussed for so many years, should, at length, be put on its right footing. He did not mean to say that the Inns of Court had neglected their duties. Far from it. The Inns of Court, and especially the Inner Temple, had lately made a noble gift for the purpose of facilitating the instruction of students, and for such measures the Inns of Court deserved great credit. They should, however, in his opinion, be empowered by Act of Parliament to act concurrently in the two great matters of extended education and professional discipline, and he did not see how that object was to be effected, unless proposals something like the present Resolutions were assented to by the House. What might be the ultimate decision of the Government it was not for him to say; but the discussion ought not, in his opinion, to close without a distinct opinion on the Resolutions having been expressed, which would show that the House was in favour of this object, and that they ought to be acted on practically—after, of course, the best advice, and the most complete consideration which the Government were able to give to the whole subject.

MR. HEADLAM said, he cordially concurred in the graceful compliments which had been paid by the Attorney General to his hon. and learned Friend the Member for Richmond (Sir Roun-dell Palmer), to whose Resolutions he regretted he could not give that support which he could have wished. Having heard the speech of his hon. and learned Friend—to use the words of another speech of his on another occasion last week—he did not think he had established any ground for Parliamentary action. The importance of the subject he did not at all underrate. He desired to see the two branches of the legal profession raised as high as possible, both in a social and an educational point of view; but then the more important the question, the greater the necessity that Parliament should not proceed by Resolution, but should have before it some clear, definite scheme on which an opinion could be formed. His hon. and learned Friend, at the commencement of his speech, said he wished to establish a school of law, under public authority, sanctioned by Act of Parliament or by Charter. Why, then, did

Mr. Spencer Walpole

he not ask for an Act of Parliament, or call upon the Government to give him a Charter? Instead of taking either one of those alternatives, he had taken a course which left the whole matter in a state of the utmost doubt and uncertainty. At present, the House was in ignorance on various points upon which information was absolutely essential where an opinion could be given; and even in the course of the debate totally different opinions had been expressed as to the meaning of the Resolutions upon which they were asked to decide. Hon. Members did not know either the scheme now in operation, and which was to be superseded, nor did they know the scheme which was to be substituted for it. They did not know how the governing body was to be constituted which would possess most arbitrary powers, and would alone have the right of giving a certificate to practice both to barristers and solicitors. [Sir ROUNDELL PALMER: A certificate of qualification to practice.] Was this body to consist of a mixed body of barristers and attorneys? Were they to be elected by votes? If so, were the votes to be cumulative, or were the members to be nominated by the Government? On all these points of vital importance the House was totally ignorant, and yet hon. Members were asked to pass these Resolutions, and be committed, in so doing, upon all future occasions. Suppose a young man in the country were to study law privately, and come to London, not having served his articles, and not being a member of any Inn of Court—would he, upon passing his examination, be entitled to practice, without reference to the Incorporated Law Society or the Inns of Court?

Sir ROUNDELL PALMER: It is no part of the scheme to interfere with the power of admitting to the Bar, or of admitting as an attorney or solicitor. The power of admission and of prescribing the necessary qualifications for admission, except the examination, is to be left with those who possess it now. The proposed school will deal simply with the intellectual qualifications and sufficiency of the instruction of those who desire to practice the law.

MR. HEADLAM said, in that case students must undergo two courses and be subject to two jurisdictions; but the body which gave the certificate to practice must sooner or later supersede the

one which simply gave admission. Well, would anyone be prepared to say that the scheme now proposed would be superior to the existing practice, as a whole? He was not going to contend that the present system of legal education was perfect; but he thought the Law Institution undoubtedly gave satisfaction, while as to the Inns of Court, he must complain of the language of the Attorney General. It was most unfair for anyone in his high position to indulge in idle language of complaint, and to say of bodies like the Inns of Court that they were not doing what they ought to do, unless he was himself prepared to say precisely in what they failed, or in what respect improvement could be made in the course of conduct they adopted. The Inns of Court claimed no infallibility. They had done what they considered to be right in this matter, but they would be ready to listen to the advice of any person in a position to offer real advice or assistance; but they would not be influenced by mere vague and idle complaints. The Inns of Court had established a regular system of lectures, and his own opinion was, that sufficient lectures existed at present. He was not quite so firm a believer in the efficacy of lectures as his hon. and learned Friend appeared to be. Dr. Johnson said that, as a general rule, lectures must be taken from some book, and it was far better that students should go to the book, rather than listen to the lecturer's version of the book; though the Doctor added that lectures were valuable on subjects which, like chemistry, were capable of being illustrated by material examples. Though he did not go quite so far as that, he thought the promoters of the scheme exaggerated greatly the value of lectures to young men preparing for the Bar, who were generally quite competent to read and study for themselves. If, however, it were shown that more lectures were desirable, he believed that the Inns of Court were quite ready to institute more lectures. So as to the examination, they were open to conviction as to the necessity of making it more stringent; and having done their best of late to establish as high a standard of legal education as was thought desirable, it was not right on the part of the Attorney General to say that they had not done their duty and ought to be compelled to

do their duty. If the Resolutions had been put as substantive Resolutions, instead of being put on the Order for going into Committee of Supply, he should have been tempted to move for a Select Committee to inquire into the whole subject of legal education. The House would then have had before it the system now in force, and would have had an opportunity of ascertaining precisely both the system now in operation, and also the details of the proposed scheme, as to which they were now in the dark. He had himself moved for the rules and regulations of the Inns of Court on the subject of education, but no Return had as yet been made, and in the absence of any information before the House on which they could rely, he thought that they would be very unwise if they committed themselves to vague general Resolutions, the meaning of which no one understood, and which might be construed in innumerable different senses.

MR. DENMAN said, the right hon. Gentleman who had just sat down (Mr. Headlam) had given some reasons which he thought weighed against the Resolutions before the House, but which were really reasons in their favour, considering that the subject which it treated of was entirely new. The right hon. Gentleman objected to the Resolutions because they did not commit the House to anything very definite; but this he took to be an argument in favour of the proposal, which simply wished to have a principle affirmed, leaving the details, by means of which that principle was to be carried out, to be settled on a future occasion. He, for one, was sorry to see that the question had not excited any interest in the House outside the circle of the legal profession. As far as he knew, no hon. Member who was not or had not been a lawyer had spoken upon the subject, although the proposal of the hon. and learned Member for Richmond (Sir Roundell Palmer) was one in which the whole community was interested, and which, if carried into effect, would not only improve the education of men who intended to follow the law as a profession, but would afford the best means of obtaining a good general insight into the principles of English law to gentlemen who, as country gentlemen, would many of them have to act as magistrates. He should support the Motion, because he thought

it would be a great misfortune, after the great trouble which had been taken in reference to the subject, if the House allowed it to be met by something in the nature of the Previous Question, and so caused an impression to grow up out-of-doors that the matter was one which hon. Members thought unimportant. Another reason for supporting the Resolutions was that, as he understood it, they meant that the House approved of the object they really aimed at—namely, that there should be provided a sufficiently good legal education for all persons who desired to practice the law; that a certificate of competency should be granted by a central examining body; and that persons not intending to practice the profession, but anxious to acquire some knowledge of the law of their country, should have the opportunity of doing so. At present there was a compulsory examination for solicitors and attorneys, and no doubt by the time they obtained their certificate they were sufficiently grounded in a knowledge of their profession to discharge its ordinary duties with sufficient accuracy. There was also the proposed examination to be held by the Inns of Court, the nature and effect of which was not yet known, and all that the Resolution said was, that in the opinion of Parliament there should be some larger, wealthier, and more comprehensive body for the purpose he had named. The Inns of Court could not at present efficiently act together for that purpose. They might do good work separately, but they had not the machinery for combining into one great central body as an examining body in whom should rest the power of giving a qualification for practising the law. The Resolutions pledged the House to nothing but what was good and desirable, and, therefore, he hoped the House would pass them, and so affirm what was to his mind a most important principle.

MR. GATHORNE HARDY said, he fell to a certain extent under the ban of the hon. and learned Gentleman who had just addressed the House (Mr. Denman), having been a member of the Bar; but he had so long retired from practice, and had forgotten so much of the law he once knew, that he could speak as a country gentleman, or as one who had never learned law at all. He agreed with the hon. and learned Members for Richmond and Tiverton, that

Mr. Headlam

much improvement was needed in the education of members of the Bar; but the form which that improvement should take was an important question. He therefore thought the statement of the hon. and learned Member for Tiverton, that the vagueness of the Resolutions was a feature which recommended them, one of the most extraordinary statements he had ever heard. He had seen on one occasion a Resolution in the House which was vague, and to which hon. Members assented under the impression that it meant nothing. It was a Resolution relating to paper, which the right hon. Gentleman opposite at the head of the Government doubtless remembered. [Mr. GLADSTONE: Hear, hear!]-and for years afterwards hon. Members could never speak or vote on the subject of paper, without being told that they had committed themselves to something which they were told at the time committed them to nothing. Therefore, it was that, in his opinion, the Resolutions before the House carried in their very vagueness their own condemnation. If the hon. and learned Member had put before the House a Resolution, declaring that it was desirable there should be an improvement in the legal education of barristers he would not have met with any opposition; but such a Resolution would have carried no weight with it, because the time must come when the House must declare whether or no steps should be taken; and, if so, what steps, to effect the improvement in question. Another reason for objecting to the Resolutions was, that if he understood them rightly, they would have the effect of setting up an university for one faculty, a proceeding he must object to as being wrong in itself, and calculated to degrade the particular faculty to which it was devoted. If the hon. and learned Member had stated his desire and aim to be the improvement of the general principles of legal education in the Universities, he would have done far more good than could be hoped for from the Resolutions before the House. Although the hon. and learned Member no longer called his proposal one for the establishment of a legal university, that would be its practical effect. The Scotch system of legal education had been referred to; but were there in Scotland Inns of Courts, or was there a special college in that country for the purpose

of teaching law? Just the contrary. The late Lord Advocate had informed him that both the Writers to the Signet and the advocates obtained their knowledge of the general principles of the law at the Universities; but it was proposed by these Resolutions that a totally different system should be adopted in England, and that a special school of law should be established in the metropolis. It was true the hon. and learned Member did not say this was to be the only school of law for England, but intimated that persons educated elsewhere might pass the examination and obtain a degree. If that were so, and if, as was alleged, the school would be self-supporting, why should not the experiment be tried at once, for even the students at the Inns of Court would be able to take advantage of such an institution? There was no reason why a competition of that kind should not be entered into at once if, as the hon. and learned Member had said, the fees would cover all the expenses. The hon. and learned Member had added, however, that if this expectation were not fulfilled he should seek to make up the deficiency from another quarter, which was tantamount to saying that the Inns of Court had not only been incapable of doing their duty in the past, but would probably be incapable also in the future, and that therefore their funds might be fairly applied to the purpose. It was admitted by the hon. and learned Member that he could not carry out his scheme without an Act of Parliament; but the Papers describing the plan adopted by the four Inns of Court had not yet been laid upon the Table, and, consequently, the House was asked to give a vote on the Resolutions before they were in possession of the facts of the case. The Attorney General had applied to him for certain particulars with respect to one of the Inns of which he was a Bencher. He confessed he was not a very active member of the Bench; he was elected a Bencher at the same time as his right hon. Friend opposite (Mr. Cardwell), and he was afraid he had given about the same amount of attention to the duties of the office as his right hon. Friend had. No doubt the gentlemen who had passed the office of Treasurer in the Inns of Court could give the particulars which the Attorney General required. The right hon. Gen-

but as they were for the most part family men, and fully engaged, they could very seldom use this privilege, and the dinners usually cost them more than they were worth. Besides that, they had a great deal of business to do for the Inn without payment, and as to many of them time was money, they were at considerable pecuniary loss in consequence. The Commission appointed in 1854 procured information showing the then position of the various Inns, and reported that the Inner Temple had a surplus of £5,223 15s. 2d. per annum; the Middle Temple had a surplus of £1 1s. 10d.; Lincoln's Inn of £3,870 19s. 1d.; and Gray's Inn had a deficiency of £374 4s. 7d. But the Commissioners, with perfect truth, pointed out that these surpluses were not real; the buildings of the Inns were very old, and would have to be rebuilt, and the surpluses were being accumulated for repairing dilapidations. He had said enough to show that the supposed wealth of these bodies was imaginary. He wanted now to show what they had done. In 1851 the four Inns of Court, between them, established five Professorships of Law, called Readerships. Lectures were delivered on law in its several branches—Common Law, Equity, Jurisprudence, Real Property Law, and Roman Law. Subsequently, a sixth Readership was added for Hindoo and Mahomedan law. The number of students who attended these lectures was about 300. The number would have been greater, but the students could not, of course, be expected to attend if they got no immediate advantage thereby, and as there was no compulsory examination there was no great inducement for them to attend. But he had no doubt, with that compulsory examination to which all the four Inns of Court had now assented, the attendance on the lectures would be very considerably increased. But the matter did not stop here. It was quite true that some years ago three out of the four Inns of Court decided in favour of compulsory examination, and Lincoln's Inn at that time refused by a majority to agree; but last year Lincoln's Inn had come to the same resolution, and the four Inns unanimously had agreed that in future there should be compulsory examination on admission to the Bar. They agreed to appoint a council, consisting of a small number of Benchers—five from each—

who should nominate examiners and recommend a good scheme for examination. That council had met and appointed a committee to draw up the scheme. In addition to that, it was felt by the Inns of Court that they were in a position to contribute more largely than they had hitherto done to the funds from which the professors or lecturers were to be paid; and they authorized the council either to engage new professors at large salaries, or to secure better men for the present professorships if larger salaries would secure them. It would not be the fault of the Inns of Court if they did not get the best men in the kingdom; at all events, they offered what they believed sufficient remuneration to secure them. He by no means wished to be understood, so far as he was individually concerned, to have any other than a feeling of thankfulness and gratitude to the hon. and learned Member for Richmond for having brought forward this subject last year. He had, no doubt, thereby expedited the resolutions of the Inns of Court, in favour both of an improved system of education, and a thorough examination on admission to the Bar; and he hoped to see both those objects accomplished so far as the Inns of Court were concerned. But then it was said to be desirable that not only students of the Inns of Court, but gentlemen not intending to follow the law as a profession, and even Members of Parliament, should have the opportunity of studying the science of law. He by no means dissented from that, and there was a very easy way of attaining it. Anyone could become a student of an Inn of Court, and if the Chancellor of the Exchequer would be kind enough to remit the tax so far as regarded those students who made a declaration that they did not intend to follow the law as a profession, they might for £8 11s. 6d. become forthwith members of an Inn of Court, and thereby be entitled to attend excellent lectures under the new scheme. There was a third body to whom allusion had been made during the debate—he meant attorneys and solicitors. If there was no provision already made for their education, he should think there was a pressing necessity for it. But, in fact, provision was made years ago, and a very good and satisfactory provision, which had resulted in a considerable rise of

that branch of the profession in the estimation of the public. The Incorporated Law Society had for years, at the expense of the profession, maintained a staff of lecturers and examiners, to teach and examine articled clerks, and he believed they had been well taught and examined. He did not, therefore, see, so far as they were concerned, any pressing necessity for immediate action. He did not wish to be supposed, either as an individual or as a humble Member of the Government, to oppose a grand new scheme, if it could be fairly worked out in a definite and satisfactory form, to the satisfaction both of the profession and the public. But what he maintained was that there was no pressing and immediate necessity for that scheme, and until it could be made completely effectual it was better not to be embarrassed by vague and indefinite Resolutions upon the subject. No one could conceive the injury often done to a good cause by hanging the millstone of a vague Resolution around its neck. He had listened with attention to the very lucid speech of the hon. and learned Member; but he must say he could not agree with him in the interpretation he had put on the Resolutions he proposed. It was certainly quite possible to put two interpretations on them, and that showed the difficulty there would be in acting upon them. He would now show what had been done in this matter as regards inquiry. In 1846 there was a Committee of that House appointed to inquire generally into the improvement and extension of legal education in England and Ireland. The Committee recommended, in substance, that the Inns of Court should do that which they were then unwilling to do, but which they were now willing to perform. Then there was a Royal Commission in 1854 to inquire, not merely into the arrangements of the Inns of Court, but the means most likely to secure a systematic and sound education of the students of law, and their recommendations were, so far as the Inns of Court were concerned, substantially the same as those previously made by the Committee of that House. Since then there had been no public inquiry, and no recommendation at all. Would it, then, be right that they should by abstract Resolutions, without further inquiry, without further investigation, come to a conclusion directly contrary to

that arrived at in the first instance by a Committee of Inquiry, and subsequently by a Royal Commission? The recommendation of both was substantially that the Inns of Court should establish the means of education and the means of examination, and they were now willing to do both. A Resolution affirming that a general school of law should be established was not a Resolution which the House of Commons ought to pass, unless it was intended to throw on the Government a definite duty which it was expected to perform; and with regard to that, they must not pass general Resolutions which were not to be carried out presently, for the meaning of a Resolution was that it should be at once acted upon. If, then, the House intended to throw on the Government a duty to be performed immediately, they must tell the Government what they wished and required. The House must not tell them that they desired to establish something, the meaning of which was so indefinite that it needed an hour's speech to explain it, and when it had been explained they could not say what was its precise effect. Therefore, while most strongly agreeing with the general object which the hon. and learned Member had in view—namely, to obtain an improved system of education for all branches of the legal profession, and to secure its complete efficiency, he was sorry to say he could not support his Motion.

MR. VERNON HARCOURT said, that probably the House thought, in that debate, it had had enough of lawyers, and he did not propose to inflict another professional speech upon them. That question was not one to be determined by the conflicting opinions of barristers. Law reform was not a professional matter, but one which affected every class of the community; and the question they had to ask themselves as members of that community, and, he ventured to add, as Members of the party which sat on that (the Ministerial) side of the House, was, what was the policy of the Executive Government on the great subject of law reform? Last Session, when that unhappy measure called the Judicial Committee Bill was introduced, he had said that the present Administration was one which had done less for law reform than any Administration which had ever held office in this country. Now the broad, elevated, enlightened, and philosophical

views on law reform to which they had just listened would perhaps open the minds of the House and the country as to what were the views of the Government on the subject which was the basis of all law reform—namely, legal education. They had had that night from Members of the Government two speeches in answer to a Motion brought forward by an hon. and learned Member who not in his profession alone, but in that House and in the country had more influence than any man who had adorned his profession; and they had been told that the Resolution was to be rejected with contempt, because it had been explained in a speech of an hour's length, which nobody could understand, and that—adopting an image of singular appropriateness—it was proposed to hang the millstone of a vague Resolution about the neck of Her Majesty's Government. Well, if the Government had no load of more oppressive character hung about their neck than that vague Resolution they would be in a very fortunate position. The two speeches against the Motion to which he had referred were couched in very different styles; but they had both the same objection, and both tended to the same end. They were good specimens of an art which appeared to be highly cultivated in official quarters—namely, the art "how not to do it." It was admitted that the system of legal education in this country was thoroughly and radically defective; and what was the plan of the Government for dealing with the subject? They rejected the Resolutions of the hon. and learned Member for Richmond (Sir Roundell Palmer), and in rejecting it, the House had received an apology for the bodies who administered the existing system from the hon. and learned Gentleman the Solicitor General which descended to half-pence. The income of the Inns of Court was something like £50,000 a-year. They were told what they had done for legal education, and that was a little shadowy. But he wanted to know what they were going to do for it in future, and that he could not gather from the speeches of either the Attorney or the Solicitor General. But there was sitting on the Treasury bench a most distinguished Member, whose sentiments on that question he should much like to hear, one who was at one time a very great law reformer, and who devoted his

early attention, before he adorned official life, especially to the reform of the Inns of Court. He referred to the right hon. Gentleman the Chancellor of the Exchequer. Before the debate closed, and especially after the touching appeal of the Solicitor General on the remission of taxation, he hoped they would hear from that right hon. Gentleman whether his views on law reform and legal education accorded with those to which they had just listened. If for nothing else, that protracted discussion would be useful if it tended in the opinion of the country to gauge the character of the hopes of law reform which they were entitled to derive from the Executive Government.

MR. LEEMAN, as one who had for nearly 40 years practised as a solicitor, wished to remark that during the whole of that discussion they had not heard a single word from any of the speakers against the mode of examination at present pursued under the auspices of the Law Institution in regard to the branch of the legal profession with which he was connected. The whole of the debate had turned on the alleged abuses of the Inns of Court; but he should like to ask what better or more competent tribunal for examining articled clerks desiring to fit themselves for practice as solicitors and attorneys could be found than the Law Institution as it had been working for the last 25 years? Articled clerks were obliged now to obtain certificates by passing a severe examination before they were admitted to practice, and nothing would be gained by applying to them the system proposed by his hon. and learned Friend the Member for Richmond. He, for one, would be very sorry to see these Resolutions passed, because he believed that the right place for the education of young solicitors was in the offices of attorneys, instead of at an institution in London. He believed even that young men intended for the Bar would receive much advantage by spending two or three years in the same way, for by so doing they would learn much that was practical, and lose a good deal that was merely theoretical. Though entertaining the highest possible respect for his hon. and learned Friend, he still felt bound to enter his protest against these Resolutions.

MR. GREENE believed that the legal profession had never shone brighter than during this debate, for the hon. and

Mr. Vernon Harcourt

learned Members who had taken part in it had done their best to mystify the House. As a layman, he wished to state that he was instructed to say, on behalf of the solicitors in the county with which he was connected, that they were in favour of the measure, and he therefore concluded that the Resolutions were very desirable. He congratulated hon. Members opposite who had taken part in the debate on their adherence to Conservative opinions, for they confirmed his impression that he was sitting on the right side of the House; but in spite of the arguments which had been urged from the Treasury Bench, believing that the time had come when all these institutions should be thrown open to public competition, he should support the Resolutions brought forward by the hon. and learned Member for Richmond.

MR. SERJEANT SHERLOCK, with reference to an allusion made in the course of the debate, could vouch from personal knowledge for the fact that Government had no more influence over the admission of gentlemen to the Bar in Ireland than they had over any other body in the kingdom.

MR. GLADSTONE said, he was desirous of stating the exact position of the question raised by his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer), because it was evident from what had fallen from his hon. and learned Friend the Member for Oxford (Mr. V. Harcourt) that that position was not clearly understood. His hon. and learned Friend said that the Resolutions of his hon. and learned Friend the Member for Richmond were about to meet with rejection at the hands of the Government. That, however, was not so. The Government had not moved the Previous Question; but his hon. and learned Friend (Sir Roundell Palmer) had himself proposed his Resolutions in a form which had the effect of raising the Previous Question. And the distinction was a very important one, because the effect of it was, that the House was not about to affirm or deny the matter of the propositions stated in the Resolutions of his hon. and learned Friend. Those who declined to vote in his favour against the Speaker leaving the Chair would simply, by their vote, say that it was not convenient or expedient for the House at the present moment to affirm the matter contained

in those Resolutions. That was a question which left the merits of the proposition itself entirely open, if considered in respect to their truth or falsity. The question, therefore, was whether the House at the present moment should commit itself to the propositions contained in those Resolutions. Nothing could be more true than the statement of the right hon. Gentleman opposite the Member for the University of Oxford (Mr. S. Walpole), as to the effect of an abstract Resolution on a former occasion. In 1857 or 1858 the House of Commons pledged itself by an abstract Resolution that it was extremely desirable that the paper duty should be repealed, and the effect of that abstract Resolution for which nobody in particular was responsible was not to advance but very greatly to hamper the repeal, and he would put it to his hon. and learned Friend whether the affirmation of the Resolutions he proposed would not tend rather to hamper than to accelerate the progress he desired. His hon. and learned Friend the Member for Oxford had completely misapprehended what had fallen from the hon. and learned Gentleman the Solicitor General. The Solicitor General had said that those Resolutions would hang like a millstone round the question of legal education, and not round the neck of the Government. There was nothing more attractive, nothing more seductive, and, indeed, nothing more dangerous to a popular Assembly, than to be led into the affirmation of propositions which had much to recommend them, and which might be in the main true, but which there were not at the time the means of carrying into practical effect, and that was the position in which they were now placed. He was glad that the debate had been almost exclusively confined to the legal profession, for while that profession was so much at issue with itself as to the wisdom of adopting those Resolutions, as evidenced by the diversity of opinions existing among them which had found vent during the debate, and while the lay Members of the House felt themselves so little able to cope with the subject, as was shown by the fact that the larger proportion of those who had attended the debate were members of the profession, did his hon. and learned Friend the Member for Richmond think that by inducing the House to declare

Dimsdale, R.
Dixon, G.
Downing, M'C.
Duncombe, hon. Col.
Eastwick, E. B.
Fitzmaurice, Lord E.
Fitzwilliam, hon. C.W.W.
Fletcher, I.
Fowler, W.
Graham, W.
Graves, S. R.
Greene, E.
Grosvenor, hon. N.
Hamilton, J. G. C.
Hanmer, Sir J.
Harcourt, W. G. G. V. V.
Henry, M.
Hoare, Sir H. A.
Hodgson, W. N.
Hoskyns, C. Wren.
Hughes, T.
Hughes, W. B.
Johnston, A.
Johnstone, Sir H.
Jones, J.
Kavanagh, A. MacM.
Kay-Shuttleworth, U. J.
Kensington, Lord
Lawson, Sir W.
Legh, W. J.
Lennox, Lord G. G.
Lewis, II.
Liddell, hon. H. G.
Lowther, W.
Lusk, A.
Lyttelton, hon. C. G.
Macbie, R. A.
M'Lagan, P.
M'Laren, D.
Mahon, Viscount
Meyrick, T.
Miller, J.

Milles, hon. G. W.
Monk, C. J.
Morley, S.
Morrison, W.
Paget, R. H.
Palmer, J. H.
Parker, C. S.
Parker, Lt.-Colonel W.
Playfair, L.
Plimsoll, S.
Rathbone, W.
Reed, C.
Richard, H.
Russell, A.
Russell, H.
Samuelson, H. B.
Saunderson, E.
Smith, A.
Smith, F. C.
Somerset, Lord H. R. C.
Stapleton, J.
Stevenson, J. C.
Strutt, hon. H.
Sykes, C.
Tollemache, hon. F. J.
Torrens, R. R.
Tracy, hon. C. R. D.
Hanbury.
Vivian, H. H.
Walpole, rt. hon. S. H.
Wedderburn, Sir D.
West, H. W.
Wethered, T. O.
Whitbread, S.
Williams, W.
Williamson, Sir H.
Wingfield, Sir C.
Wyndham, hon. P.

TELLERS.
Palmer, Sir R.
Morgan, G. Osborne

**UNLAWFUL ASSEMBLIES (IRELAND) ACT
REPEAL BILL.**

On Motion of Mr. PATRICK SMYTH, Bill for the repeal of the Act of the Irish Parliament, the 33 Geo. 3, c. 29, intituled "An Act to prevent the Election or Appointment of Unlawful Assemblies," ordered to be brought in by Mr. PATRICK SMYTH, Sir PATRICK O'BRIEN, Mr. SYMAN, Mr. DIGBY, Mr. DOWNING, Mr. M'MAHON, and Mr. MAGUIRE.

Bill presented, and read the first time. [Bill 72.]

House adjourned at half after
Twelve o'clock till
Monday next.

HOUSE OF LORDS,
Monday, 4th March, 1872.

MINUTES.] — Public Bill — First Reading —
Bank of Ireland Charter Amendment* (37).

RAILWAYS OF IRELAND.

MOTION FOR PAPERS.

THE MARQUESS OF CLANRICARDE rose to move for copies of the Instructions under which Captain Tyler had been authorised to collect information respecting the financial condition and prospects of the Irish Railways, and of the reports or other communications made by that officer thereupon. The subject to which those Instructions referred was one of great importance to Ireland; it had been often dealt with by the public journals, and had been brought directly under the cognizance of the Members of the Government. He had himself, in 1867, formed one of a deputation of noblemen and gentlemen who had waited upon the Government on the subject. The question, therefore, was not a new one. The purchase of railways in England had been considered by a Royal Commission; but the conclusions at which the majority of that Commission had arrived were not applicable to Irish railways, which required to be considered with reference to the wants of the country, and not with reference to the interests of the companies. There were in Ireland no fewer than 66 railway companies, and 24 actually working: and those who were best informed as to the necessities of Ireland had demonstrated to the Government that under the existing system the people of that country could not possibly obtain the railway accommodation they required. Railways could not be maintained in Ireland without greater economy than was necessary in Great Britain. In Ireland, during recent years, they had suffered from many of the ills which had been mentioned as likely to follow from the carrying out of a scheme of railway amalgamation now before Parliament. He might mention that in that part of Ireland with which he was connected two large companies, who had been previously in opposition, had subsequently combined, and, having everything now in their own hands, were able to charge whatever fares, and give only what accommodation, they pleased. Thus the people had suffered, in the first instance, the evils of competition, such as they were, and then subsequently the evils, not of amalgamation, but of combination. And yet

no interference took place. Considering the mileage of the Irish railroads, and the amount of capital invested in them, as compared with the mileage and the capital of the London and North-Western Company, or a smaller class of English companies, it was ridiculous to have such a number of Boards as were now at the head of the various Irish lines. Until there was united management, there never could be the necessary economy. He had reports of several of the last half-yearly meetings of Irish railways, and he found that the chairmen announced that Captain Tyler had been making inquiries of them as to the price which the shareholders would take for their property. It could not be supposed that Captain Tyler would have made such inquiries without direct instructions from the Government, nor could it be imagined that, having made them, he would not draw up a Report for the information of the Government, or make no communication to the Board of Trade, or any other Department. In reply to a Question put in "another place," the President of the Board of Trade was reported to have stated that there was no Report from Captain Tyler. Of course, if his right hon. Friend had made such a statement he believed it; but it might have been that the Report was not prepared at the time the Question was asked. He therefore put his Question now, and hoped he would receive a more satisfactory answer.

Moved that there be laid before this House Copies of the instructions under which Captain Tyler was authorised to collect information respecting the financial condition and prospects of the Railways of Ireland, and of the reports or other communication to the Government from that officer thereupon.—(*The Marquess of Clanricarde.*)

THE EARL OF DUFFERIN said, he had to state, in reply to the noble Marquess, that it was impossible to comply with his request, for the simple reason that no such instructions were given to Captain Tyler in the terms of his noble Friend's Motion. Captain Tyler had been sent to Ireland to inquire into a matter totally different from the Irish railways; but he had been permitted, rather than authorized, to enter into communication with various persons interested in the arrangements of the Irish railways, in order to learn what their

opinion might be as to the terms on which those railways might be bought. But he had not been authorized, nor had he entered into any inquiry either as to the financial prospects or the financial status of the Irish railways. Captain Tyler had made no Reports to Her Majesty's Government, and, therefore, it was simply impossible to comply with the Motion of the noble Marquess.

THE MARQUESS OF CLANRICARDE stated that, in consequence of what had fallen from the noble Earl, he would not, of course, press his Motion; but he gave his noble Friend notice that he would bring the subject before their Lordships within a short time. He had the statements of four Chairmen of railways in Ireland to the effect that they were asked what their shareholders would take, and they distinctly stated that Captain Tyler told them he was not instructed to make any offer on the part of the Government, but that he was authorized by the Government to ask for information! and information he did ask for, as to the value which the shareholders put upon their property.

Motion (by leave of the House) withdrawn.

PUBLIC BUSINESS—BUSINESS OF THIS HOUSE.—QUESTION.

THE DUKE OF RICHMOND: My Lords, I rise to put to my noble Friend the Secretary of State for Foreign Affairs the Question of which I have given Notice—namely, What Bills Her Majesty's Government intend originating in the House of Lords? It is not my intention to enter into a long discussion on this subject: I cannot, however, but think it is a matter of regret that more Bills do not originate in this House. Up to this we have had but very little before us in the way of legislation; and I say this is to be regretted, because I really think it would be of great advantage, not only to this House but also for the expedition of public business, if more of the Bills brought in by the Government during the present Session had been originated in your Lordships' House. I think I can name subjects on which the Government propose legislation, and the Bills referring to which, I believe, might appropriately be brought into your Lordships' House in the first instance. There is the sanitary condition of the

country—a subject of the highest importance—would not the Bill which the Government propose to introduce in reference to sanitary arrangements be well suited for discussion in this House before it is taken by the Commons? Then there is the subject of mines; but I believe the Mines Regulation Bill is to be introduced in the other House of Parliament before it comes up to your Lordships' House. I think it might well be discussed by your Lordships in the first instance; and I feel perfectly confident that this House would be perfectly competent to deal with the subject of Scotch Education, if the Bill on this subject were introduced here in the first instance. If this course be not adopted, what will be the result? If all those Bills, of considerable importance, be brought into the House of Commons in the first instance, by force of circumstances they will not reach your Lordships till the end of the Session—a period when we have not sufficient time to devote to them the consideration such measures ought to receive. Looking to the state of business in the other House of Parliament, I do not think it is likely that any Bills of great moment will come from that House at this side of Easter. When it is remembered that Bills coming to us from the other House of Parliament may possibly have to go back again, I am afraid we must conclude that it will be impossible that they can be discussed in a satisfactory manner if we continue to receive them at so late a period of the Session.

EARL GRANVILLE : My Lords, the Question my noble Friend has put is a very natural one: neither is it extraordinary that he should complain of our having very little to do at the beginning of the Session; for the complaint of our not having enough to do at the beginning of the Session and too much at the end has been made, as stated by the late Earl of Aberdeen, for the last 50 years; and I am afraid that the remedy is not at all apparent, because in the nature of things, where there are two legislative Chambers, and one is a representative body, the greater number of measures can only come on for discussion in the non-representative Chamber after they have been discussed in the other or second Chamber. This subject has been frequently considered in successive years, and my noble Friend near me (Viscount

Halifax) will bear me out when I say that I have always been desirous of having as many Bills as possible introduced in your Lordships' House in the first instance. [Viscount HALIFAX: Hear, hear!] Your Lordships will all understand that the Government could not think it desirable to originate in your Lordships' House Bills which would be likely to be rejected before the House of Commons was afforded an opportunity of expressing an opinion on them. But with regard to the Mines Bill, for example—one of the measures referred to by the noble Duke—no doubt there are reasons why that Bill might have been introduced in this House, for many of your Lordships are mine owners, and still more of your Lordships are interested in the condition of the working classes employed in those mines; but it must also be obvious that both the proprietors of mines and the men are more directly represented in the other House of Parliament than in this. The noble Duke seems to fear that no legislation will be introduced in this House. That will be by no means the case. As to Bills of another character, the noble and learned Lord behind me (Lord Westbury) has given Notice of a Question which will be replied to by my noble and learned Friend on the Woolsack, and I trust that answer will be satisfactory. And I may say that there are Bills of an administrative character in regard to Ireland which my noble Friend (the Earl of Dufferin) will introduce before Easter. Indeed, he will introduce them immediately. Then there are a Bankruptcy Bill, a Prisons Bill, and a Bill relating to Imprisonment for Debt, which will be introduced in your Lordships' House in the first instance. I may also mention a small Bill relating to cattle diseases, which I may add to the three Bills I have just named. I cannot go further at present. There are a few other Bills in the Home Office; but I am not yet in possession of information to enable me to say whether they will be introduced first in this House. I believe, therefore, that full occupation will be found for your Lordships before Easter.

THE MARQUESS OF SALISBURY : My Lords, I do not think it is quite fair to blame our representative system for your Lordships having too much leisure time at the beginning of a Session, and too much employment at the end. I think

the difficulty in this matter arises from the Government having to consult the wishes of individual statesmen. A Minister does not like to introduce a Bill unless he can make a speech on it, especially when he has prepared the Bill himself. The consequence is, that when Bills come from the Home Office, or have reference to local government, the noble Earl (Earl Granville) finds himself in that minority among the Members of the Cabinet which has always been unable to secure the introduction of any considerable number of Bills in your Lordships' House. But, can we not find a remedy? Owing to the system now pursued, there is not sufficient time allowed us for careful legislation and for resorting in all instances where it may be advisable to the practice of sending Bills up to a Select Committee, by whom they may be thoroughly examined. I will venture to make a suggestion, if it be not considered too revolutionary. Would not it be possible to introduce Bills not of a party character in the two Houses simultaneously? This would not relieve either House of the duty of a careful consideration of the Bills; but it would prevent the business from being huddled into a space of time that is not sufficient for its discharge. I am afraid this proposal is too revolutionary for the noble Earl to consent to it without first trying to recover from the shock it may have produced.

EARL GREY: My Lords, this is a subject of very great importance. As the noble Duke (the Duke of Richmond) has observed, at the beginning of the year we are practically without business, and at the close of the year more business is thrown upon us than can by possibility be properly attended to; and the existing arrangements for carrying on the business of Parliament lead also to this still worse result—that a great deal of the work of legislation for the country is utterly neglected. Bills which are essential for the welfare of the people of this kingdom—for their daily life and comfort—are postponed from year to year, while mere party subjects are debated at great length. There is this further evil—that in many instances the legislation of the Imperial Parliament is hasty, crude, or ill-considered, and the various portions of a Bill are so inconsistent with each other, that it is impossible for the Courts

to divine what were the intentions of the Legislature. It is almost an exceptional case when a Bill having passed in one year it is not necessary the next year or the year after to pass another to cure its obvious defects. Last year there was a striking example of this, when we were forced to pass a new Act to amend the Habitual Criminals Act, which had itself been passed only the year before.

EARL GRANVILLE: That Act originated in this House.

EARL GREY: That is so; but whether it originated in this or in the other House of Parliament, I am referring to it to show the unfinished manner in which Bills leave Parliament. It cannot be otherwise when important Amendments in Bills come to be considered by your Lordships at the same time that the Appropriation Act comes before you for a third reading. I cannot, however, think that the remedy suggested by the noble Duke or that suggested by the noble Marquess would answer the purpose. I do not believe that bringing in a larger number of Bills in this House in the first instance, or introducing Bills concurrently in both Houses, would effect the desired object; and for this reason—By the very nature of the constitution of this House our function is more properly to revise legislation, rather than to originate it. In the first place, many of the subjects of legislation involve questions of money, with which, practically, we can do nothing. For instance, sanitary measures have been referred to, some of which, it has been suggested, would be peculiarly appropriate for first introduction in this House; but in making this suggestion it seems to have been forgot that you cannot move a step in such legislation without having to face the question of money, and according to the privileges of the other House of Parliament we cannot deal with questions of taxation. But even when there is no question of money, in how large a number of the subjects of legislation is it not desirable to know what are the feelings and wishes of the great masses of the population who are represented in the other House of Parliament? I must say that my experience—and it is one extending over a very great number of years—is not favourable to the introduction of a large proportion of Bills in this rather than in

the other House of Parliament. I remember that when I had a seat in the other House, I remarked that that House was not disposed to accept Bills that had come from this House with the same readiness as it did Bills which originated in the House of Commons. There is, indeed, a class of Bills to which this remark does not apply, and which I think may with advantage be brought into this House in the first instance—I allude to what are commonly called Law Bills, and especially measures to improve the constitution and the mode of proceeding in our Courts of Law. There are in this House noble and learned Lords whose assistance in the examination and discussion of such Bills is of peculiar value; but with the exception of these and one or two other classes of measures, I do not believe that any very great proportion of Bills can be originated here with advantage. My Lords, I do not think any remedy can be found for the state of things from which the country is suffering, except on a plan by which Bills which have passed through the House of Commons in one Session may be sent up here the next Session on a simple vote of the House of Commons affirming the Bill again. Your Lordships may recollect that the late Lord Derby introduced a Bill on the subject, which passed this House; and, though I supported it, I am bound to admit that the House of Commons had exceedingly good reason for declining to support it. I think, when the subject comes to be considered, that there is an irresistible objection to doing away with the discretion which each House has to regulate its own proceedings; because if once you introduce the practice of proscribing by Act of Parliament in what manner an Act is to be passed, this would happen—that you would have the Courts of Law called upon to decide whether the statutory form had been observed. Legislation, therefore, of the kind suggested by Lord Derby was, I think, justly objected to; but I can see no reason why the same end should not be obtained in a different manner. Why should not a Standing Order to this effect be passed by the House of Commons—that when a Bill has been passed by the House at such a period of the Session that it cannot come up to this House with a probability of being

properly discussed here it shall be in the power of that House to save it for our consideration till the following Session, and that a single vote, without discussion and without debate, shall then be sufficient for sending the Bill up to this House. Let me point out how this would work. Only last Session a very important Bill, which had occupied the attention of the other House of Parliament for many weeks, was brought up to this House quite at the end of July. That Bill was not rejected on the merits; it was rejected—and I think most properly—on the ground that at that period of the Session there was not time to consider it. Now, if such a Standing Order as I have suggested had been in existence, the House of Commons would not have sent that Ballot Bill to be considered by this House in the last days of the Session, but would have reserved it till Parliament met in February, and then sent it to your Lordships; who would have had full time to consider it, and to have sent it back to the Commons by a sufficiently early day to enable the two Houses to arrive at a common understanding. On the other hand, what has been the result? The Bill was rejected here for the reason I have already stated; its rejection caused no small amount of irritation, which was very needless under the circumstances; the Bill is again before the House of Commons, stopping other legislation, and it promises to be such a very considerable time before it reaches your Lordships that it is not impossible it may come up too late this year again to enable this House to give it the necessary consideration, or, at all events, to allow of the needful communication between the two Houses for coming to an agreement if they should differ on some of its provisions. When this subject was discussed two years ago it was supposed by some that there was a strong disposition on the part of the House of Commons not to adopt the suggestion, because Members of that House thought the present system afforded them the means of forcing this House to pass Bills. If this was really the motive for opposing the change, it does not seem to be a good one, and it is also clear that it would have manifested a want of appreciation of the real facts of the case; because if a Bill were brought up in the month of February, your Lordships could

Earl Grey

have no such ground for rejecting it as that on which the Ballot Bill was properly rejected last year. I may mention another case in which great advantage would have resulted from adopting the practice I have recommended. Two or three years ago a Scotch Education Bill was introduced in this House by the Government; this House carefully considered it, amended it very materially, and sent it down to the other House of Parliament. There it lay on the Table for a very long time without any notice having been taken of it. After that it was committed *pro forma*, and in this manner it was completely changed from the form in which it had left your Lordships' House. With Amendments entirely changing its character, which had been adopted in this manner without discussion, it was sent up to us for a consideration of the Commons' Amendments on the same day as that on which we took the third reading of the Appropriation Bill. Of course, it was utterly impossible for your Lordships to deal with the Amendments at that period of the Session. If such a Standing Order as I suggest had been in existence that Education Bill would have been sent up here at the beginning of the next Session, with the Amendments the Commons had thought fit to make; we could have sent it back again to the Commons at an early period of the year, and there would have been ample time for those communications between the two Houses which so often enable them to come to an agreement on the provisions of Bills on which they differ in the first instance. I am far from asserting that the difficulties with regard to legislation would be entirely removed by such a Standing Order. I cannot help thinking there are other difficulties of a serious nature besides those which I have named. I believe the forms of proceeding—especially in respect of the manner in which Bills are dealt with in Committees—are so far from being satisfactory that they require careful revision. I cannot help seeing that there is a great change for the worse in the manner in which business is now conducted in the House of Commons as compared with what was the case formerly. We have, I think, no small right to complain of the want of judgment, discretion, and energy with which the Parliamentary Business of the Government

has been managed in both Houses. If the important Bills to be submitted to Parliament were more carefully considered in the Recess, if they were introduced in a form more matured and better fitted to accomplish their purpose, there would not be the same difficulties as now exist. Moreover, the Bills of the Government are not only now brought in with less care in their preparation than formerly, but I am also afraid that they are drawn up with more reference to party considerations than to what would make them really useful working measures.

LORD REDESDALE said, he could not entirely agree with the noble Earl who had just spoken. He did not think their Lordships had much reason to complain of there not being enough legislation in the year. He thought they had plenty of legislation—he (Lord Redesdale) only wished that some of it was better considered. He did not object at all to Bills being thrown out; because he believed that a measure was often all the better in the end for having two Sessions taken over it than if it were passed in a single Session, and it was extremely undesirable that important measures should be hurried through Parliament. With regard to the Ballot Bill which had been rejected towards the close of last Session, and to which reference had been made, he thought great advantage would be found to have arisen from the course adopted by their Lordships. A better Bill had been introduced this year, and the other House would have a fair opportunity of considering the matter. He objected to the proposal that Bills of a former Session should be again adopted by the House which had passed them in the preceding year by a single vote without Amendment. The Amendments which could then be made in the measure when it went back would be only such as could be made upon those introduced in the House to which the old Bill had been so sent. It was to be regretted that subjects of real practical interest were too often neglected in the House of Commons, and the time which ought to be devoted to them occupied by measures of a party and sensational character. He thought it would not work well for the two Houses to be discussing the same measure at the same time and perhaps coming to totally

different decisions upon it. The real practical question was, would the Government take care that their Bills should be well prepared, and would they bring them in so as to give fair time for their proper discussion?

VISCOUNT HALIFAX said, he did not think the discussion of that evening, in which every noble Lord who spoke differed from the noble Lord who spoke before him, would tend much to remove the difficulties connected with the transaction of business, or to hold out any great prospect of a more satisfactory state of things than exists at present. The Sanitary Bill, to which allusion had been made, was a measure of a character which it would be extremely difficult to originate in their Lordships' House, inasmuch as it was to some extent a money Bill; and as to the Mines Regulation Bill, there were strong reasons for introducing it in the House of Commons, where there were a number of practical men well acquainted with the subject it dealt with. He did not think it would be an improvement to introduce an increased number of Bills in that House. The functions of their Lordships' House, he thought, were on the whole much better exercised in revision and review than in originating Bills, except in the case of Bills of a special nature. The noble Duke spoke of the Scotch Education Bill as one which might well have been introduced in this House. Now, the experience they had had on such a Bill was not encouraging. A Scotch Education Bill was brought into that House two years ago and went down to the other House, where it was so greatly altered, that when it came back to their Lordships again it was at once rejected. If their Lordships passed Bills and sent them down to the other House, they were not unlikely to be so amended in the other House as to come up to their Lordships again almost in the shape of new Bills.

SUPREME COURT OF FINAL APPEAL.
QUESTION. OBSERVATIONS.

LORD WESTBURY said, he wished to make a few remarks introductory to the Question which he had put upon the Paper—namely, to ask the Lord Chancellor, Whether it is his intention to bring in before Easter any Bill for the estab-

Lord Redesdale

lishment of a Supreme Court of Final Appeal? He congratulated himself that listening to the discussion which had just terminated he had found no reason assigned against the initiation of Bills in that House, such as that in respect to which he desired to elicit information from the Government. Every one admitted that such a measure was not only wanted, but that it ought to originate in their Lordships' House. Those who heard Her Majesty's gracious Speech at the opening of the Session, felt assured that that Bill would be immediately introduced. There had been no earthly reason that he knew of to prevent the Government from giving its attention to that measure during the Recess. Therefore, he should expect with confidence that his noble and learned Friend on the Woolsack would be prepared not only to answer, but to answer in the affirmative, the Question he proposed to put to him—namely, Whether the Government had prepared a measure for the establishment of a Supreme Court of Final Appeal, and if not, why not; and whether such a measure would be introduced before Easter, and if not, why not? He concurred entirely in all the regrets which had been expressed from time to time with regard to the inactivity of their Lordships in the earlier part of the Session; these regrets might be reduced to a stereotyped formula—but he hoped that this measure at least would form an exception to the general rule, and that the Government would lay a Bill on the Table of the House at such a time that it could be fully deliberated upon before Easter, and sent to the Commons shortly after. The necessity for some action in the matter was beyond all precedent—the state of the appellate jurisdiction of the country would scarcely be credited by anyone not actually concerned in it. To this House came all appeals from all the Common Law Courts and Courts of Equity in England, Ireland, and Scotland; but this great demand upon the House was not met in any systematic manner. Their Lordships had no appointed Judges and no appointed times of sitting: the consideration of appeals was not even carried on in a judicial manner, but their Lordships sat as a deliberative assembly, and the sittings were dependent upon the sitting of Parliament. During the Session appeals were heard upon four days of the week,

no accident intervening, and the despatch of business was dependent entirely upon the voluntary attendance of such Members of the House as had filled the office of Lord Chancellor and one or two others. Whether one or two of them attended was utterly uncertain, and who they might be was equally uncertain. No suitor could tell beforehand who would hear him or who would determine his suit. Beside this, the sittings were frequently interrupted. The Lord Chancellor had his political duties to attend to; the most serious argument by counsel had to be interrupted at 2 o'clock because the Lord Chancellor had to attend a *lèvée*, or even at 1, because the Lord Chancellor had to attend a meeting of the Cabinet by virtue of his office. The result was that appeals were delayed from day to day, or half days only were given to them. The noble and learned Lord on the Woolsack had been diligent, and the appeals had been well kept under; but his diligence did not correct the defects in the tribunal itself, and could not relieve the Legislature from the necessity of amending those defects. A greater sense of decency prevailed in these days; but in Lord Eldon's time, when the Lord Chancellor attended to hear appeals, he occasionally found himself alone, and inasmuch as three Peers were required to make a House, the officers of the House were sometimes obliged to catch a Bishop and invite him to act as dummy; a lay Peer was sometimes pressed into the service; and the Lord Chancellor, gravely assisted by these two mutes, administered justice in a final manner. The improvement of the present day, however, ought only to convince their Lordships of the necessity of doing much more. Upon the Judicial Committee of the Privy Council devolved the duty of deciding not only upon all ecclesiastical and Admiralty appeals, but upon all the appeals that came from the 300,000,000 British subjects in India and all other British colonies. The small improvement made last year could not be regarded as more than a temporary expedient, though it had worked well. It had reduced the number of arrears; but it was by no means a fitting tribunal for finally settling the enormous number of appeals coming from our Courts. What should be done? These two tribunals, co-ordinate, each final, and therefore always in danger of

asserting principles contradictory of each other, which no power but Parliament could decide upon, should be consolidated into one great Court of Appeal, presided over by the *élite* of the law to be selected from the Judges of the other Courts, and competent to deal with all the variety of cases that came before the Judicial Committee, from India and the colonies, and before their Lordships from the Courts of Scotland, Ireland, and all parts of the kingdom. If such a Court were well constituted, made easily accessible and economical, sitting throughout the year, and with its door open for the admission of every appellate suitor, then one appeal ought to be sufficient. There might be cases in which facility should be given for a re-hearing or even a double appeal, but one appeal for the generality of causes would suffice. This was necessary because facilities should not be given to litigious persons—it was to the interest of the State to stop litigation after reasonable facilities had been afforded for obtaining justice. At present the appeals were too numerous. The jury decided upon the questions of fact; but upon questions of law appeals from the Courts of Common Law were carried to the Exchequer Chamber, and it might happen then that three Judges out of the five would overrule the opinion of seven or eight or even eleven Judges. In the Court of Chancery the Lords Justices sometimes sat as a Court of Appeal, sometimes the Lords Justices with the Lord Chancellor, and sometimes the Lord Chancellor by himself. There might be an advantage to the Lord Chancellor in having a subordinate Court of Appeal, because the great part of the jurisdiction of the Court of Chancery consisted of a preventive jurisdiction, such as the granting injunctions. In Scotland matters were in a state which would be insupportable but for the self-love of the people, which led them to attribute perfection to all their institutions. An appeal lay from the sheriff substitute to the sheriff depute; from the sheriff depute to the Court of Sessions; thence to the Lord Ordinary with a right of ultimate appeal to their Lordships' House. With regard to the Judicial Committee he would gladly hail any measure that would eliminate from that body the Bishops who now formed a portion of that tribunal, and he regretted that when last Session a noble Marquess

(the Marquess of Salisbury) brought the subject forward he (Lord Westbury), in the impression that the Motion had been abandoned, was not in his place to support him by his vote, because he believed that nothing would more tend than their exclusion to promote the peace of the Church. Such a tribunal as that which he had been advocating would be of little use unless it were composed of the most eminent men selected from the Bench, who were willing to devote the whole of their time and ability to the discharge of the duties which would devolve upon them; and for that it would be necessary to give them a large and liberal remuneration. That was the work which lay before them. There was no quarrel to be apprehended with the House of Commons as to whose right and whose duty it was to be the first to set hands to it. He would not give vent to any suspicion of his own with reference to the preparation of the Bill, but would end as he had begun by asking whether the Bill had been prepared; if not, why not? Would it be brought in immediately, and, if not, when would it be brought in?

THE LORD CHANCELLOR said, that his noble and learned Friend (Lord Westbury) had covered a large field in the course of his disquisition upon this very important subject; but he did not complain of the course taken by his noble and learned Friend, for the subject was one in which he had himself personally felt the deepest interest for many years, before he had any opportunity of evincing that interest by the introduction of any practical measure of reform. The Questions put to him by his noble and learned Friend were—first, whether the Bill was prepared; and, secondly, whether it would be immediately introduced into that House? He would state very briefly the exact state of the case in reference to these Questions. In the Session of 1870 two Bills, one for the improvement of the Appellate Jurisdiction and the other for the construction of a High Court of Justice, were passed through their Lordships' House; but owing to the vast pressure of business in the other House it was found impossible to press them through, and the Bills were withdrawn; and again last Session, for the same reason, it was thought to be impossible to introduce them again in the House of Commons with any prospect of being gravely

considered, as was befitting the importance of the subject to be dealt with. He need not refer at length to the circumstances which prevented the matter being dealt with last Session; but he would say, simply, that though the Bills were not brought before Parliament the time had not been lost. To prepare Bills of this sort not only required much thought and consideration, but it required, also, that those who had charge of the matter should take every possible opportunity to improve and perfect the measures before submitting them to Parliament. The moment it was ascertained that the Bills could not be introduced in the House of Commons last Session with any chance of their passing in the course of the Session, he set himself actively to work to obtain information such as could conduce to the improvement of Bills intended to effect a work so great as the establishment of a High Court of Justice and a High Court of Appeal. He circulated copies of the Bill among the learned Judges, from many of whom, he had sent the drafts to, including the Lord Chief Justice, he obtained valuable suggestions. He could not represent the Lord Chief Justice as approving everything being done exactly as was proposed in the High Court of Justice Bill; but he admitted that it was a great improvement in the Bill of the year before, and made a considerable number of suggestions for its improvement. Others of the Judges also sent him suggestions—the Master of the Rolls and Judges of the Superior Courts—and in this way he had obtained several valuable papers, of which he had made use in improving these Bills. In addition to these, during the Recess he received a most valuable offer from several of the Members of the Judicature Commission, gentlemen with hard work enough of their own to do, who offered to take the Bill for the establishment of a High Court of Justice into their consideration. They formed a sub-committee on the subject, and from time to time he received very valuable suggestions from them; but, as might be expected from the heavy duties which pressed upon them, it was not until the month of January in the present year that he received their final Report. He did not think it was necessary to introduce the two Bills simultaneously; and, that being so, he should

Lord Westbury

have no difficulty in placing the High Court of Justice Bill almost immediately before their Lordships. Some of the alterations made in the Bill he had just mentioned would necessitate modifications in the details of the measure relating to appellate jurisdiction. The Bill had been placed in the hands of the draftsman for this purpose, and he had every expectation of being able to ask the House to read both Bills a first time before Easter. He had had sufficient experience of their Lordships' House to convince him of the difficulty of proceeding swiftly, and the importance of proceeding carefully in reference to matters of this kind. When he entered the House there was the law of bankruptcy to be dealt with, and at that time there were before Parliament three Bills and a Report of a Select Committee of the House of Commons in reference to the subject. He looked through all these, and drew the heads of a Bankruptcy Bill which gave to creditors full power to attend to their own business in the way that seemed best to them, and had abolished imprisonment for debt. This was the fact, notwithstanding the charge sometimes made against the present Government, that they had done nothing for the improvement of the law. It was true, as had been said, that the administration of the appellate jurisdiction was not in nearly so unsatisfactory a state as in the days of Lord Eldon; but he might, nevertheless, mention that on one occasion he argued an appeal which lasted during three days before the Lord Chancellor and two other noble Lords who had never sat on the Woolsack, the last-named Peers being different on each day. He might also state, further, that there were only 15 appeals waiting for hearing in Chancery; and when first the Courts assembled after Hilary Term there were only eight, not one of them being a month old. When first he had the honour of a seat in their Lordships' House there were the arrears of two and a-half Sessions to be cleared away, and this Session commenced with the arrears of half a Session only. He did not mention these facts in any spirit of personal vanity, because other noble Lords had, by their zeal, contributed to bring about this improved condition of affairs, but simply to show that there had been an improvement effected of late years in the conduct

of the appellate jurisdiction. Before sitting down he desired to say a few words in reference to what had fallen from the noble Earl (Earl Grey) this evening, as to the Bills of the Government being ill-prepared and badly drawn. Those remarks were not just to those persons who had prepared the very important Bills passed by Her Majesty's Government during the last three Sessions. Never before in three consecutive years had measures of such extreme magnitude and importance been passed. In particular, extreme care and precaution were necessary in preparing the Irish Church Bill and the Irish Land Bill, and he ventured to assert that they were drawn up most carefully. Something had been said about the Habitual Criminals Bill. That was a most useful measure, and the testimony of all the Judges on circuit was that it had worked admirably, and that the number of habitual criminals brought before them was much less than it used to be. Then the Education Bill was one which required to be drawn with extreme care. In point of fact, great attention was bestowed upon it, and no one could justly say that it was an ill-prepared and slovenly Bill. It was only due to those employed in the preparation of these Bills that he should make these remarks. In conclusion, the noble Lord repeated that it was his expectation and belief that the Appellate Jurisdiction Bill and the High Court of Justice Bill would be introduced and read a first time before the Easter recess.

BANK OF IRELAND CHARTER AMENDMENT BILL [H.L.]

A Bill to amend the Charter under which the Governor and Company of the Bank of Ireland is incorporated—Was presented by The Lord CHAWORTH; read 1^o. (No. 37.)

House adjourned at a quarter past Seven o'clock, till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,*Monday, 4th March, 1872.*

MINUTES.]—New WRIT ISSUED—For Wallingford, v. Stanley Vickers, esquire, deceased.

New MEMBERS SWORN—John Pender, esquire, for Wick; Lord Richard Grosvenor, for Flint County.

SUPPLY—considered in Committee—ARMY ESTIMATES—B.P.

PUBLIC BILLS—Ordered—First Reading—Grand Jury Presentments (Ireland) [73].

Second Reading—Mines Regulation* [29]; Metaliferous Mines Regulation* [30].

Third Reading—Poor Law Loans* [51], and passed.

Withdrawn—Imprisonment for Debt Abolition (Ireland)* [58]; Bankruptcy (Ireland)* [59].

METROPOLITAN STREET IMPROVEMENTS BILL (by Order.)**SECOND READING.**

Order for Second Reading read.

Motion made, and Question proposed, “That the Bill be now read a second time.”—(*Colonel Hogg.*)

MR. PELL moved that the Bill be read a second time that day six months. Under this measure the Metropolitan Board of Works were enabled to borrow the sum of £2,500,000, in addition to the £10,000,000 of debt they had already incurred. The improvement suggested under the Bill of making a new street from Old Street, Shoreditch, to Oxford Street, was considered last year by a Select Committee, who, however, threw out the Bill under which it was to have been made, on the ground that no comprehensive scheme for the improvement of London had been framed by the Board of Works. The Board, nevertheless, seemed to treat this Resolution with contempt, and had re-introduced the Shoreditch scheme with some minor local schemes. On the ground that no comprehensive plan for the improvement of London had been proposed by the Board of Works, in accordance with the recommendations of the Committee, he begged to move that the Bill be read a second time that day six months.

MR. GOLDSMID seconded the Amendment, saying that the debt of the metropolis would increase very fast if the Metropolitan Board were allowed to do as they wished. He understood that in some of the metropolitan parishes the rates amounted to 5*s.*, 6*s.*, and 7*s.* in the pound, and if the Board were to do

as they liked without any check there was no saying what it would amount to. The extravagance of the Board of Works had been amply proved by their spending £6,000 on the erection of a stand in Hyde Park for the accommodation of vestrymen on Thanksgiving Day, although the entire sum spent out of the national funds for the conveyance of the Lords and Commons by steamer on that occasion had only amounted to £30.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day six months.”—(*Mr. Pell.*)

Question proposed, “That the word ‘now’ stand part of the Question.”

COLONEL HOGG, as Chairman of the Board of Works, said, there ought to be some weighty reason before the House was asked to go out of the usual course and reject a Bill like this. The Bill contained proposals for five distinct improvements; yet those who opposed the Bill confined themselves only to one—the Shoreditch improvement. How the Bill was brought about was this. The Metropolitan Board sent round to every district in the metropolis, each district being asked to bring before the Board the scheme that they thought most conducive to the interests of their own particular district. After this information had been acquired there was appointed a special committee, which sat day by day to endeavour to frame a scheme which would be in accordance with the recommendation of the Shoreditch Improvement Committee. The particular proposal objected to was a part of a large, complete, and comprehensive scheme for the improvement of the metropolis. Further than this, the Wapping improvement, which formed another part of the Bill, was recommended by a Committee of the House so long as 34 years ago, and the street from Shoreditch to Oxford Street was recommended in a similar way no less than 30 years ago. The cost of the seats for the accommodation of the vestrymen on the occasion of the Thanksgiving was not £6,000, as stated by the hon. Member for Rochester, but £3,000. The Metropolitan Board were not answerable for the large increase of rates, because the amount imposed by them was gradually decreasing, whilst at the same time the benefits of their rule were increasing.

If the Bill were allowed to go to a Committee the Board would be able to prove by irresistible evidence that what was contemplated by this Bill would effect great improvements, and would relieve the traffic to the City. He hoped that the House would not, by rejecting this Bill, impede and paralyze the action of the Board.

MR. HINDE PALMER believed that the Metropolitan Board were entitled to great credit for what they had done in some parts of the metropolis; but still the objection was that what was now proposed was not a plan for general metropolitan improvements. The Board seemed to wait for action for the pressure of local influences. If the House should sanction these small local improvements large sums would be muddled away, and there would be nothing to show for it.

MR. HARVEY LEWIS thought that the recommendations of the Committee of last year had been roughly and completely set aside in the framing of this Bill; and now the Amendment simply asked the House to support the decision of their own Committee.

MR. JOHN MANNERS hoped the Bill would not be discussed upon the merits of particular improvements. The Board of Works was not a speculative company, seeking to make a profit like a railway company, but a body representing the whole of the metropolis, who had discharged their important duties hitherto to the satisfaction of the rate-payers, and the improvements proposed were all such as could be approved. It seemed, therefore, a strong course to refuse to read the Bill a second time, in order that it might be submitted to the investigation of a Select Committee. A list of reasons for its rejection had been circulated; but only one of these was entitled to any weight — namely, that which referred to the destruction of houses inhabited by the poorer and industrial classes; and he would urge on the Metropolitan Board that whenever they destroyed large numbers of these houses they should build, or cause to be built, others to supply their place.

MR. ALDERMAN SALOMONS said, he represented a constituency who could in no way be benefited by the proposed improvements, and he protested against their being taxed for schemes in which they had no interest.

MR. DODSON said, he did not think the House was in a position to decide upon the merits of these improvements, and therefore he thought the Bill should be submitted to the consideration of an impartial Committee, in the ordinary way.

MR. ELCHO submitted that the proper course would be to refer the matter to a Committee similarly constituted to that of last year, according to the suggestion of the right hon. Gentleman the Chairman of Ways and Means. It would be competent to the Committee to decide, as before, whether the proposed improvements should go on, or whether some general scheme should be first submitted to Parliament. He hoped, then, that the Amendment for the rejection of the Bill would be withdrawn.

MR. LOCKE concurred in this recommendation, but suggested that some metropolitan Members should be placed on the Committee, in order that the real necessities of the metropolis might be elicited.

MR. SAMUDA hoped the Bill would be read the second time. He regarded its proposals as real metropolitan improvements, for one of the great objects it would effect would be to facilitate the enormous traffic connected with the various wharves in the neighbourhood of Wapping, which traffic was occasionally much impeded from the want of such facilities.

MR. I'ELL said, he would withdraw his Amendment.

Amendment, by leave, withdrawn.

Main Question put, and agreed to.

Bill read a second time, and committed.

Motion made, and Question proposed,

"That the Bill be referred to a Select Committee of Ten Members, Five to be nominated by the House and Five by the Committee of Selection." — (Mr. Hinde Palmer.)

COLONEL HOGG said, he could not accede to the Motion, and, if necessary, would divide the House against it. It involved a principle wholly opposed to the usual precedents.

MR. GULDNEY supported the Motion. He thought it was high time for the Metropolitan Board of Works to give their attention to the preparation of the long promised general scheme for the improvement of the metropolis.

MR. DODSON entered his protest most emphatically against the Motion. In his opinion it would have been better to reject the Bill on the second reading than to refer it to a Select Committee to be constituted as proposed. Upon Committees on Public questions it was right and usual to appoint Members representing the different views and interests concerned; but on an opposed Private Bill Committee the persons interested were heard before the Committee by counsel and witnesses. The Committee acted the part of Judges, and, accordingly, by the Standing Orders, no Member was to serve unless he signed a declaration that he had no interest, either personally or through his constituents, in the matters referred to the Committee. It was wholly at variance with practice to appoint partisan Members upon a Private Bill Committee, and contrary to the principle upon which the House had acted hitherto.

MR. W. H. SMITH said, that though this was nominally a Private Bill, it was a Public Bill to all intents and purposes. It was a Bill taxing the whole inhabitants of the metropolis for the benefit of a particular locality, and he therefore trusted that it would not be referred to the hybrid Committee suggested.

MR. COWPER - TEMPLE thought this Bill could not be said to be entirely a Private Bill. It would affect not merely a particular locality, but the whole of the metropolis, and he thought that in the interest of the public the proposals of the Bill should be submitted to a general inquiry. It might be that the objects to be gained by the Bill might be obtained by some means better than those contained in the Bill, and he should, therefore, support the Motion.

MR. HEADLAM said, he had sat upon hybrid as well as upon ordinary Committees, and, in his opinion, it would be infinitely better to send the Bill before the ordinary Private Committee than to the Committee proposed.

LORD JOHN MANNERS said, he quite agreed with the right hon. Gentleman who had just spoken. The argument of the right hon. Member for South Hampshire (Mr. Cowper-Temple) would, if sanctioned by the House, establish a precedent which would be most mischievous and dangerous. All previous Bills—nine in number—relating to the

Board of Works had been sent to ordinary Committees.

MR. LOCKE said, that the metropolitan Members of the Committee by which the Bill of last Session had been thrown out performed their duty as impartially as any other Members of the Committee. If the Bill before the House was sent to an ordinary Committee, none of the parishes which had petitioned against it would be heard at all. He protested against the interests of the metropolis being handed over to any four Gentlemen from the country.

Question put:—The House divided:—
Ayes 122; Noes 170: Majority 48.

LEGAL EXPENSES OF GOVERNOR EYRE.—QUESTIONS.

MR. BOWRING asked the First Lord of the Treasury, with reference to the Correspondence relating to the Ex-Governor of Jamaica, lately laid upon the Table by Her Majesty's Government, Whether it is their intention to submit to Parliament, in the course of the present Session, a Voto for the repayment to Governor Eyre of the expenses incurred by him in respect of legal proceedings against him, an estimate for which, amounting to £4,133 was laid upon the Table by the Government on the 28th July last, but subsequently withdrawn by them? He also wished to know, whether that portion of the Correspondence which passed between the late Government and Mr. Eyre contained, in the right hon. Gentleman's opinion, any undertaking on their part, express or implied, to propose to Parliament to pay the amount of those expenses which was morally binding upon Her Majesty's present Government?

MR. GLADSTONE said, in reply, that the Government, upon considering what had occurred and the stage which the matter had reached when they took office, believed it was their duty to submit an estimate in fulfilment of an undertaking given by the late Government. A Vote for these expenses would, accordingly, appear in the Miscellaneous Estimates of the present year.

MR. BOWRING asked, Whether the Government were aware that the £4,133 exceeded by several hundred pounds the amount which Mr. Eyre had asked for reimbursement by the late Government?

MR. GLADSTONE said, he was not aware how the matter stood in that respect.

SPAIN—MURDER OF A BRITISH SUBJECT.—QUESTION.

MR. HUSSEY VIVIAN asked the Under Secretary of State for Foreign Affairs, Whether it is a fact that on the 2nd of July 1871, James Roberts, a foreman in the employ of the Huelva Railway Company, and a British subject, was murdered in open day by a Spaniard at a village called San Juan, near the Port of Huelva, in Spain; whether the murderer, being perfectly well known, is still at large, although he has been frequently seen at San Juan, and although the Spanish authorities have intimated that they are in full possession of the evidence requisite for his prosecution; whether any and what steps are being taken by the British Government to cause the murderer to be brought to justice; and, whether it is a fact that the British Vice Consul at the important Port of Huelva is a Spaniard who is unable to speak English?

VISCOUNT ENFIELD: I regret, Sir, to say that James Roberts, a British subject and a foreman in the employ of the Huelva Railway Company, was murdered on the 2nd of July, 1871, in the square of the town of San Juan del Puerto, in Spain. Information of this was sent to the Foreign Office by Mr. Read, Her Majesty's Consul at Cadiz, who stated that the murderer was well known, and was the son of the second Alcalde of the place. Instructions were at once sent to our *Chargé d'Affaires* at Madrid, urging him to press upon the Spanish Government the necessary investigations and the arrest of the supposed delinquent. Repeated applications have been made to the authorities for the apprehension and punishment of the assassin, and our Minister at Madrid has been empowered to incur any expense that may be necessary for the prosecution of the culprit. Mr. Read has again proceeded from Cadiz to make further investigations; but I regret to say that the murderer is still at large, though the Spanish Government have promised to bring the man to justice. The British Vice Consul at Huelva is a Spaniard, but his reports,

which I have seen, are written in very good English, which would lead to the belief that he is well acquainted with the English language.

POST OFFICE—MONEY ORDER SYSTEM (INDIA.)—QUESTION.

SIR JOHN PAKINGTON (in the absence of Lord HENRY LENNOX) asked the Postmaster General, Whether he will extend to India the Money Order system, the benefits of which have already been conceded to Belgium, Denmark, Switzerland, Germany, Egypt, the Argentine Republic, and the United States of America?

MR. MONSELL, in reply, said, he had always been anxious to extend the money order system to India, and place India in the same position, in this respect, as our other possessions and colonies. A proposal, with that object, was made to the Indian Government rather more than a year ago; and he was informed that they were likely soon to accept it; but, as yet, no official reply had been received from them.

EDUCATION—PUBLIC ELEMENTARY SCHOOLS.—QUESTION.

MR. GORDON asked the Vice President of the Council, Whether any, and if so, how many, Public Elementary Schools were established and opened for teaching by School Boards prior to the 1st of January 1872, under the Elementary Education Act, 1870; and, whether he can give a Return of such Schools, specifying the places in which they are, the dates at which they were opened, and the number of scholars in attendance?

MR. W. E. FORSTER: I cannot, Sir, give the right hon. Gentleman the precise information he asks for; but we have ascertained the number of board schools established up to the 27th of January last, and perhaps that will serve the purpose. Up to that time, in boroughs outside the metropolis, there were 55 board schools at work, 33 of them now schools, and the remainder transferred. In parishes, not boroughs, there were 107 board schools, 57 of which were new; and in London, 14 board schools, all of which were transferred. The number of children in these 176 schools was 19,718. But I may state that this is really no guide whatever as to the action

of the Boards, for there has not yet been time for them to build schools, or for the transfers to be made. The numbers will, no doubt, increase to a great extent.

FRENCH COMMUNIST PRISONERS.
QUESTION.

MR. DAVENPORT asked the Under Secretary of State for Foreign Affairs, Whether he is aware that numbers of French Communist prisoners continue to be placed on board steamers bound for British Ports and then released, their passage money paid, and that they are landed here in a state of utter destitution ; and, whether he can announce the result of his promised inquiry on this subject ? Since he had given Notice of the Question, he had been credibly informed that such prisoners continued to arrive in this country in considerable numbers.

VISCOUNT ENFIELD : Sir, inquiries have been made of our Consuls at Havre, Brest, Cherbourg, Boulogne, Calais, and Dieppe as to the reports of French Communist prisoners being placed on board steamers bound for British ports and being landed in a state of destitution in this country ; the replies are to the effect that at Havre, Brest, Cherbourg, and Boulogne no knowledge of such events is possessed by our Consuls, and they were denied by the municipal authorities ; at Calais nine prisoners, whose term of imprisonment for civil offences had expired, had been sent over to Dover, but the Consul states that these persons were either English or Americans. At Dieppe the Consul reports that 20 Communist prisoners, consisting of Italians, Belgians, and French, had been forcibly embarked at that port for England with their passage paid ; on receipt of this official information Lord Lyons has been instructed to make a friendly remonstrance with the French Government on this subject.

SILVER COINAGE AT THE MINT.
QUESTION.

MR. BARNETT asked Mr. Chancellor of the Exchequer, Whether any silver is at present being coined at the Mint, and, whether he is aware of complaints of the great inconvenience caused by the scarcity of silver coin both for circulation in this Country and in the West Indian Colonies ?

Mr. W. E. Forster

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, there was no coinage of silver going on at the Mint at the present moment. There had been considerable inconvenience experienced in this country for want of silver, owing to the great increase in the demand for it during the latter part of last year. That was attributable, of course, to many concurrent causes ; one, at which everybody must rejoice, being the great increase of prosperity. Another cause, which was also a subject of rejoicing, was the more general payment of wages weekly. At present, the demand had been overtaken. He found that while during the year 1867, the coin which the Bank of England received from the Mint was only £87,000, the actual sum received back from the public was £175,000 over and above the sum issued. In 1868, the sum received from the Mint was £175,000 ; in 1869, only £30,000 ; in 1870, £188,000 ; and in 1871 it, reached £566,000, while the sum received back from the public was £650,000. The demand had thus been completely satisfied for the present, and he was not without expectation that it would not be renewed. With respect to the West Indian Colonies, a new rule had been made, in accordance with which they were enabled to apply to the Mint directly when they wanted coinage, and not through the Bank of England. They had made such an application, and it would be immediately attended to, now that the difficulty of coining for the home market had been surmounted.

COLONEL TOMLINE asked the First Lord of the Treasury, If he would state to the House what amount of Silver Coin does the Crown by its prerogative allow to the people of Great Britain and Ireland ; whether any rate of wages, and if any, what rate of wages per week for the manufacturing and agricultural population is taken as a basis of the calculation upon which the allowance is considered sufficient ; and, by what means does he become acquainted with the varying quantity of Silver Coin in Great Britain and Ireland ?

THE CHANCELLOR OF THE EXCHEQUER said, that as the Question was of a somewhat technical nature, he had been requested by his right hon. Friend to answer it. It seemed to be founded on the supposition that there was some particular amount of coin which the

Government allowed as sufficient for the circulation of the country, and which could be ascertained. The Government, however, had no means of ascertaining the amount of silver coin which was in circulation. He might liken it to a river, the number of tons of water in which one could not know, although he might know when it overflowed its banks or became dry. So it was with the coinage. The amount in circulation was not known, although it was sufficiently known when the supply fell short of the demand, or there was a glut. If the demand went beyond the supply, more silver was coined; if there was a glut, the Mint held their hand until the extra silver coinage was absorbed. There was, he might add, no such calculation made as that referred to in the second Question. The amount of silver coin in circulation would depend much more on whether wages were paid in that coin or in gold, than on the rate of wages. No such quantity as that mentioned in the third Question was present to the minds of the Treasury. The way in which they became acquainted with the demand for silver coin was through the representatives of the Bank of England, who gained their information from the country bankers, who were furnished with the knowledge which they have on the subject from the demands of the employers of labour.

BLACKWATER BRIDGE.

QUESTION.

MR. M. GUEST asked, Whether it is the intention of the Government to bring in a Bill this year to remit the existing debt due to the Exchequer upon the security of the Blackwater Bridge: and, whether they can name a day to bring in the same?

MR. BAXTER: There is, Sir, no present intention on the part of the Government to bring in a Bill to remit the existing debt due to the Exchequer on the security of the Blackwater Bridge; but the Treasury is willing to entertain any further proposals on the part of the counties interested for the settlement of the question.

INDIA—TRANSFER OF THE PERSIAN MISSION.—QUESTION.

MR. RYLANDS asked the Under Secretary of State for India, Whether

any Communication has been received from the Government of India approving of the transfer of the Persian Mission to the Indian Department, in accordance with the recommendation of the Select Committee on Diplomatic and Consular Services; and, if so, whether he will lay the Correspondence relating thereto upon the Table of the House?

MR. GRANT DUFF: It is not, Sir, in my power to lay any Correspondence on the Table with reference to the transference of the Persian Mission to the Indian Department; but the Government of India has lately intimated to us that it shares on this subject the views of Sir Henry Rawlinson, whose views are in accordance with those of the majority of the Committee.

NAVY—THANKSGIVING DAY—DOCK-YARD ARTIZANS.—QUESTION.

MR. OTWAY asked the First Lord of the Admiralty, Whether the Convicts employed in Chatham Dockyard were excused from work on the 27th ultimo; and, if so, why an indulgence granted to the Prisoners was withheld from the Artizans of the Dockyard?

SIR JAMES ELPHINSTONE asked, Whether the Government would grant the officers and men connected with the Dockyards and Victualling Establishments generally, an opportunity of celebrating the recovery of His Royal Highness the Prince of Wales, as had been done by the War Office to the persons employed in that Department?

MR. GOSCHEN replied that no holiday had been given to the convicts by the authority either of the Admiralty or the Home Office. The Director of Convict Establishments, however, he believed, acting on the instructions contained in a general Circular, had kept the convicts in their cells instead of compelling them to labour on the Thanksgiving Day. The Admiralty and the War Office, for reasons which he was sure would recommend themselves to the House, had allowed the artizans at Woolwich and Deptford to share in the great rejoicings in the metropolis, and he regretted that the great pressure of work at the other dockyards did not permit them to give a holiday to the 13,000 men employed in them. The Admiralty would otherwise have had great satisfaction in according that indulgence to a

body of men who were most industrious and loyal, and whose relations with their employers had throughout a long course of years been as cordial as those which could have existed in any private yard. He hoped, however, he would not appeal in vain to hon. Members, when he expressed a wish that they would abstain as far as possible from interposing between the Government and the workmen in their service.

SPAIN—REFUGEES FROM CUBA.
QUESTION.

MR. T. HUGHES asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government has received any information from the Governor of Jamaica respecting the refugees who have been escaping in large numbers from massacre in Cuba; and if any provision has been made for their necessities?

VISCOUNT ENFIELD said, in reply, that, on making inquiries at the Colonial and Foreign Offices, he was informed that no information from Jamaica such as had been referred to by the hon. Member had been received.

ARMY ESTIMATES.—QUESTION.

SIR WILFRID LAWSON said, he had given Notice of his intention to move an Amendment on the Order of the Day for Supply, and he wished to know from the Speaker, whether a Resolution which the House had since adopted would prevent his bringing forward that Amendment?

MR. SPEAKER said, the Amendment given Notice of by the hon. Baronet would at any time have been irregular, because it referred specifically to a Vote in Committee of Supply, and the proper occasion for the consideration of that Vote would be when it was proposed in Committee. There was, however, another reason why the Amendment could not be moved on the present occasion; for, in consequence of the Resolution which the House agreed to on Monday last, he should feel bound, in compliance with that Resolution, as the Army Estimates had already been considered in Committee of Supply, to leave the Chair as soon as the Order of the Day for the Committee of Supply was read.

Mr. Goschen

SUPPLY—ARMY ESTIMATES.
SUPPLY—*considered* in Committee.
(In the Committee.)

Question again proposed,

"That a number of Land Forces, not exceeding 133,649, all ranks (including an average number of 6,185, all ranks, to be employed with the Depots in the United Kingdom of Great Britain and Ireland of Regiments serving in Her Majesty's Indian Possessions), be maintained for the service of the United Kingdom of Great Britain and Ireland, from the 1st day of April 1872 to the 31st day of March 1873, inclusive."

MR. HOLMS, in rising to move "That the number of Men be reduced by twenty thousand," said, the proposals of the right hon. Gentleman the Secretary of State for War had been awaited with a deep interest, created by the inefficiency of the Army and its extravagant cost. It was hardly to be expected that the Government could at once present to the country a force thoroughly organized in all its parts; but it was hoped that they would be able to submit to Parliament a clear and business-like statement as to the proposed future organization of the military force of the nation, and as to its future cost. While expressing gratitude to the right hon. Gentleman for the great pains he had bestowed on the production of the new scheme, he must observe that the future of the Army, and the safety and honour of the country, depended very much on the soundness of the views adopted by the House; and that a very grave responsibility rested upon hon. Members individually, as to how they shaped their views upon the question. He had devoted much time to the consideration of the question, and he confessed that he was impressed with its magnitude, but he was persuaded that the problem how to combine efficiency with economy in reference to the Army, though difficult, was capable of solution, and the solution would depend on two main points—the first of which was that the number of men with the colours should be relatively small, and the number of men in the Reserve should be relatively large; the other being that their Home Army should be divided into Army corps. With that view his Motion had for its object not the reduction of a single available man, but that in the interest of the country those 20,000 men should be put into the Reserve. After examining the scheme of the Government he had come to the conclusion that it was not likely to lead to efficiency.

and economy, but to the very reverse, for the expenditure in the past ought to have given them an Army of real fighting men and reliable officers; but the money had been squandered upon hosts of pensioners, useless officials, and in their having two many officers. There were two parties having distinct opinions on this question, and between them he did not think that the country got the reforms which it otherwise might obtain, for the Government of the day were willing to lean towards one party or the other. One of these parties was perfectly content with an increased number of men, and the other party was quite willing to have no Army at all. He belonged to neither of those parties; he was in favour of a moderate Army, but as efficient as it could be made. With regard to the cost, it was time they should take that point into consideration. Last year the cost of their Army was £15,800,000 for 135,047 men; 9,000 in the No. 1 Reserve, 30,000 in the No. 2 Reserve, 15,773 Yeomanry, 134,037 Militia, and 170,871 Volunteers; but he must observe that it was only the first two of those forces that they could compare with the thoroughly trained troops of other European countries. Then, on their Indian Army, which, he believed, cost no additional expense to this country, the expenditure was £16,476,000 for 63,000 European troops and 122,000 native troops, making a total expenditure for the British and Indian Armies of £32,276,000. From the days of Hannibal to their own there had been nothing like this extravagance. In 1869 Austria had in the field in time of peace 278,000 men, capable of expansion to 838,000 in time of war. Prussia had then 299,000 men, capable of expansion to 940,000 in time of war. France had 400,000 men, capable of expansion to 757,000 in time of war. The cost of the Austrian Army was £7,450,000; of the Prussian Army, £10,000,000; and of the French £15,000,000; making a total of £32,450,000. As regarded the scheme of Her Majesty's Government, he thought there were some points that were good. For instance, the plan of going back to recruiting for regiments which belonged to particular counties was good. With regard to recruiting, also, the establishment of common depots was good so far as it went; but it was impossible to judge of the change pro-

posed unless they clearly understood the system of recruiting which existed at the present time. What was that system? There were two sets of people out for recruiting—one set for the Militia, another for the standing Army. For the Militia Great Britain was divided into 65 divisions. In Ireland there were 32 divisions, each county having a recruiting depot. The Militia recruiting officers had the great advantage of 10s. per man enrolling money, and a permanent Staff in each division. They raised annually 16,500 recruits in Great Britain alone, and they stated that they were able to raise 22,000; while in Ireland, where none were raised at present, they stated they could raise 9,000. The other recruiting party had not these advantages, for, as regarded them, Great Britain and Ireland were divided into 17 recruiting districts and sub-districts only. They had not the advantage of local knowledge, and they had no 10s. of enrolment money. The improvement which Government proposed in relation to recruiting was merely this—they would continue to recruit for both, but the recruiting for the Line would be carried on side by side with the recruiting for the Militia. The right hon. Gentleman still held to the dual system, although experience had shown that it was practically impossible, under existing circumstances, to work it out successfully; for he still proposed that the recruiting for the Artillery should be kept distinct from the other two, and said that under the proposed system the men would pass from the Militia to the Regular Army. Now, he ventured to say the class of men who passed into the Army from the Militia were not the best but the worst of the militiamen, for Militia officers, of course, took care to keep the best men for their own ranks. The Militia, then, so far from being a feeder to the ranks of the Regular Army was rather a sucker than otherwise. He could adduce evidence upon this point of a very clear character, and he would quote the Report of the Inspector General for last year, dated the 10th of January, 1871, which stated that recruiting for the Regular Army was very injuriously affected by enrolments for the Militia. The next point in the right hon. Gentleman's scheme was as regarded the question of localization. They were all desirous that

localization should be carried out, but he found that instead of localization the plan partook very little of that character. The proposition of the right hon. Gentleman was, that they should have two battalions in a territorial district, and that of each battalion two companies should be placed as dépôts. The position, however, in which they found localization was this—that one battalion might be transposed with another. According to that proposition, one Cumberland battalion might be in India, and the other in Dublin; and what then became of the localization? The territorial district was to take these two battalions, combined with two battalions of Militia and a certain quota of Volunteers. Not a word was said by the right hon. Gentleman about a Reserve. The Reserve was, in fact, lost sight of by the right hon. Gentleman. The “welding of a really reliable Reserve Force with the Army into a harmonious whole” seemed to have entirely disappeared. As regarded the battalion in India, it appeared that this was to be interchangeable with the Home battalion. As they could not enlist for the Indian service for less than six years, they could have no service short of that length of time, and as every man might be called upon to serve either at home or in India, they would still preclude the chance of getting a higher class of men who would willingly enlist for three years, if it were understood that they were really to remain in their own locality, and only in case of war to be called abroad. Moreover, he was convinced that after men had been in India or the colonies for five years, and more or less unsettled, they would be very unwise to depend upon them for bringing up their Reserve, so that it was obvious that the scheme of the Government did not aim with any real earnestness at obtaining a Reserve force. What they really wanted was to have a distinct battalion for India, which would be recruited for six years, and they should have two battalions at home enlisted for three years, which would be localized in their own particular district and remain there, and from which they should get the Reserve, which was the one thing sought for by everyone who really wished for Army reform. He was not a little astonished to see it proposed that the Militia should be increased

by 5,000 men. Now, he held that if the war of 1870-71 had taught any lesson at all it was this—that the days of *franc-tireurs* and Militia were gone, and that they must have an Army of well-trained soldiers if they were to have an Army to rely upon at all. Major General Sir Lintorn Simmons, who had written most sensibly on the subject of military reform, said that the German troops had passed through a superior training to our own military force, and that they had had the advantage of better drilling and better officers. In a pamphlet on this subject, he said three things were necessary in a military force—training, discipline, and experienced officers. Trying the Militia by that standard it would be found that their training was almost *nil*, their discipline ditto, and their experienced officers very few. The best use that could be made of them was to aid the police in maintaining order, and assist in garrisoning fortifications. It was also his opinion that three years was the shortest time in which to make a soldier. The late Duke of Wellington, according to Sir Lintorn Simmons, also was of opinion that it would be impossible to weld the Militia with the Regular Army; and Sir John Burgoyne, in a letter he wrote shortly before his death, said that hitherto they had deluded themselves with a grand show on paper of Regular forces, and of Militia and Volunteers, but that it was impossible to call the latter bodies Reserve forces, because they could not be relied upon even to fill up the gaps in the Regular Army. Only those men who had been in the ranks were fit to act as Reserves and to fill up the gaps in the Regular Army, and therefore all Reserves must be formed from men who had served with the colours. The right hon. Gentleman the Secretary of State for War had said that if the Auxiliary Forces were not sufficiently trained, the money expended upon them was being wasted; and that if they depended upon a delusive system, they were preparing for themselves a day of retribution. Why, they might as well attempt to weld hot and cold iron as to form the various diverse elements of which their Army was composed into one harmonious whole. Yet that was the system upon which they were invited to spend these vast sums of money. He maintained that he had established three points—first,

Mr. Holmes

that they were proposing to continue the bad system of recruiting for the Militia side by side with recruiting for the Line; second, to enlarge the Militia force—a force which had been condemned by all the rest of the world; and third, that they were about to continue that force at an enormous cost. Admitting that it was the duty of hon. Members of that House rather to criticize the Government schemes than to propose to amend them, still, following the precedent set by the manufacturing classes in this country, who, when they found themselves beaten by foreign manufacturers, endeavoured to ascertain the reason of their defeat, he should do his best to point out to the House the causes of the military strength of foreign nations. They had heard a great deal of the advantages of the Prussian system; but he did not think that in this country the Prussian system was very well understood, as far as it might be applied to the management of our own Army. The German Empire was divided into 12 provinces, the largest of which was about the size of Ireland, and the next in size about the same extent as Scotland, and others varying in size; these provinces were again subdivided according to population, into districts which might be assumed to be represented in this country by their counties and parishes, and to each province an Army corps complete in itself in every respect was attached. To these 12 Army corps another was added—that of the Guards, a corps which was recruited through all the provinces; and were their forces constituted on the same principle they would have in this country several such Army corps. The simplicity of the organization was extraordinary, and communication with the War Office at Berlin was free from complication of any kind. But the German system was most to be admired for its efficiency. The art of war was essentially scientific, and therefore it was necessary that their officers should have ample opportunities of studying their profession in a practical manner, and such opportunities were amply provided for even the youngest subalterns in the Prussian Army. The fact of there being 13 Army corps in the German Army gave rise to wholesome emulation among those bodies, which contributed to the general effi-

cency of the whole military force of that country. Our system, on the contrary, was a complex one, and we were now being invited to continue an old and obsolete Militia force. He maintained that if the people of this country only knew the value of having such Army corps as the Germans, and established one in each of the proposed districts, they would have no difficulty in procuring an efficient Army whenever it was required, instead of having to keep men haunting public-houses with ribbons in their hats, in order to attract raw recruits. In compliance with that system, he thought they ought to keep up their Home and Colonial Army at the strength of 83,000 men, and to pay the men better than they did at present. The men in Prussia served in the ranks for three years, then they passed into a Reserve force, in which they remained for four years, and finally they served five years in a sort of second Reserve force. All these men, having served in the Line, were capable of being welded into a harmonious whole, being all real soldiers, having one character, and each arm of the service being paid alike. The present pay of our infantry was 1s. 2d. a-day, engineers 1s. 4½d., of the artillery 1s. 5½d., and of the cavalry 1s. 5d., and the men received 1d. a-day extra for beer, 1d. for good conduct, and about 2d. for extra rations. Now, he thought under this short-service system, that efficient men should receive at least 1s. 6d. a-day, which, with these extras, would amount to about 12s. 6d. per week, exclusive of clothing, barrack accommodation, fuel, and lights. After three years' service with the colours they might be offered, conditionally on remaining accessible within a certain radius, 1s. a day, while men entering a second Reserve might be offered £3 a-year, in both cases with 2s. extra per day for 12 days while on drill during the year. This 1s. a-day might appear a large sum, but as Reserves were worse than useless unless they could rely upon them when wanted, he held that that was the soundest policy to pursue. Not only would these men cling to them during their service in the Reserves, but such a rate of payment would attract as many men to their Army as they would require, and of a much better class than they have been accustomed to have. Be-

sides, the economy effected alone in the present cost of recruiting, desertion, transport, medical attendance, &c., would be so great as to leave but little additional to be paid. There might, under this system, be 83,000 men for the Home and Colonial Army, 60,000 men for the Reserve, and 50,000 for a second Reserve, making altogether 193,000 trained soldiers, which with 172,000 Volunteers, would give them a more efficient Army than they had ever had, at a cost of not more than £10,000,000 or £11,000,000 per annum, including their large non-effective services. The right hon. Gentleman last year laid very proper stress on the getting up of a Reserve. No country in the world could be more suitable for it than this, for in time of war plenty of men would be willing to serve, while in time of peace the manufacturing districts would offer those men employment. Indeed, the demand for labour in those districts rendered it very unwise to keep so many men with the colours. By sending 20,000 men into the Reserve it would be made much more effective, for at present a number of men nominally belonged to several Reserve forces, swelling their apparent numbers, while they could, of course, only serve in one force. The consequent saving in the Army Estimates would not be less than £750,000, and the ability of 20,000 men to earn 15*s.* a-week for themselves would be a further advantage of another £750,000 to the country. He had said that they ought to have Army corps in Great Britain, but he knew that it would be objected that Ireland offered difficulties in the way of such a project. Well, but last year, the Irish Militia numbered nearly 34,000 men, and surely if they could be trusted, it was not another couple of years' drill that would make untrustworthy an Irish Army corps consisting of 12,000 men with the colours, and 10,000 constituting the Reserve. He might also point to the fact that the loyalty and good conduct of the Irish Constabulary was universally admitted; but even that Army corps might be made up on the principle of the Berlin Army corps, which drew its members from all parts of the Empire. Turning to Prussia, they would find an example of economy flowing from this system. Her War Office consisted of 268 men, at a cost of £51,739, whereas our own was com-

posed of 568 men, costing £170,000. Our War Office and Control department jointly cost us last year £568,000, while in 1853 the cost was £269,000. The expense of both departments in Prussia was only £107,000. He would not enter into the worth of our Control system, but the late Deputy Controller of the War Office had described it as "not existing." The management of our Army ought surely to be as effective and economical as that of a large business. Now, the Midland and London and North Western Railway Companies were doing a business of £12,500,000 a-year; they had manufacturing establishments much larger than those of our Army, producing £2,134,000 worth of *materiel*, and they had a little army of 48,000 men. They managed their business—a much more intricate one than our Army—to the satisfaction of the public at a cost of £91,000, and paid good dividends. Turning to the number of officers, irrespective of honorary colonels, we had last year 5,317, while the Prussians for the same number of men had 4,830. Comparing the number of officers of different ranks in our Army, with the number in the Prussian Army, he said he thought we ought to make some change in this respect. We had 167 colonels, they 95; we 439 lieutenant colonels and majors, they 348; we 1,870 captains, they 982; we 2,328 lieutenants, cornets, and ensigns, they 3,000; we 133 paymasters, they 114; we 142 adjutants, they 269; we three solicitors, while they had none; their pensioners numbered 38,000, ours 74,000; the cost of theirs was £1,007,000, the cost of ours was £2,280,000; they retired their officers as lieutenants and captains, we generally retired ours when they had reached a higher rank; thus they had 8,575 officers on retirement at a cost of £585,000, we had 3,260 on retirement at a cost of £809,000. There were many other points that he should like to touch upon, but he feared to weary the Committee. One thing, however, he must say, and that was, he was in favour of maintaining their Volunteer force. He thought that force ought to be encouraged in the future more than it had been in the past, for with regard to military spirit, he thought every one would agree that they had shown they were in no way wanting. There was another question to which he desired

to allude, but which he was afraid would occupy too much time to dwell upon at present—namely, the question of our manufacturing establishments connected with our Army. He thought those establishments ought to be looked into. The main argument in favour of those establishments was that they were a safeguard to the country. Now, on the contrary, Burke and Cobden had both declared themselves against the practice, and in favour of the system of contract; and it was his own opinion that, so far from being a safeguard to the country, they were a serious danger. The manufacturers of this country found that the manufacturing establishments of the Government were neither more nor less than great competitors with them, and he had the very highest authority for saying that many of them had resolved not to submit their samples to the Government of the day; let the Government give orders to a large proportion of the manufacturers in the country generally, and they would be able to have their support in a day of difficulty and trouble. Moreover, he was not sure that in a great many cases the Government could not obtain articles very much cheaper in the open market than they could by making them in their own manufactories. He hoped that in the discussion of the Estimates an opportunity would be given for debating that question. He believed that if the Government would only raise the standard for soldiers higher than they had been accustomed to do, and pay them better, men would come to their colours without that difficulty which, unhappily, had always been experienced in the past. His Motion was a protest against the retrograde step of the right hon. Gentleman at the head of the War Office, in substituting six for three years' service, as proposed last year, and in the Enlistment Bill of 1870, and against the continuation of a complex and antiquated military system, which he thought he had shown was not worthy of being thrust upon the country in comparison with the cost it entailed, and as such he submitted it to the Committee. The hon. Gentleman concluded by moving the Amendment, of which he had given Notice.

Mr. MUNTZ (who had on the Paper a Motion to reduce the number of Men by 10,000) said, he rose to second a Resolution with which he did not agree,

and to support a speech with great part of the observations contained in which he could not sanction. It was his misfortune last year to be opposed to the right hon. Gentleman the Secretary of State for War in regard to several points; but he was delighted to be able on the present occasion to congratulate him on the proposals he had made, and on the very able and lucid manner in which he had explained them. Contrary to the opinion of his hon. Friend, he (Mr. Muntz) had no fear whatever of the Militia and the Regulars not working together, because he knew it was from the Militia we got our best recruits. He also congratulated the right hon. Gentleman and the House and the country upon the abolition of billeting—a system that produced fraud, great annoyance, and the greatest immorality. He might also congratulate the right hon. Gentleman that he had taken the £3,500,000 for barracks upon Terminable Annuities. He only wished that last year, with respect to the £8,000,000 for the abolition of purchase, the right hon. Gentleman had adopted the suggestion that was then made, because he would thus have saved the country from the imposition of an additional income tax, which was the most unpopular measure that Her Majesty's Government had brought forward. He had an Amendment on the Paper for reducing the infantry by 10,000 men, and if the Committee would allow him he would explain his reasons for putting that Amendment on the Paper. He did not want to reduce the force one man below that which was requisite for the dignity, the honour, and safety of the Empire; but he thought he should be able to show that there was no necessity for the numbers proposed by the right hon. Gentleman the Secretary of State for War. Before they discussed the force requisite for this country, they ought to have the policy of the Government—he meant their foreign policy—before them. Let the Government tell him their policy, and he would tell them what force they wanted. The question was—ought we to interfere in the affairs of Europe, or to maintain an attitude of isolation? In the former case our force was extremely little, and in the latter it was too large. If we were to take part as a military Power in the affairs of Europe, our Army should be, not 130,000 men, but

330,000 men. He assumed that we had given up all idea of ever appearing as a small military Power on the Continent of Europe, and that we should never again land an Army of some 30,000 men to contend against the enormous hosts of the great military Powers. He would assume, also, that our present Army was altogether for home defence and protection, and for garrisons for our military stations. If he was correct in his assumption, then he was perfectly certain that 130,000 men were more than were required for purely home and colonial purposes. In 1869, when the right hon. Gentleman brought in his Estimates, we had a force of 127,360 men in the Regular Army, a permanent Militia Staff of 5,066, a Militia Force of 128,971, and a Reserve Force, No. 1, of 9,000 men. At that time the right hon. Gentleman said that

"The Army of a country circumstanced as this be ought to be, as regards both men and money, in time of peace comparatively small; that its efficiency should be the highest possible; that it should be in a form capable of easy expansion." [*ibid.* exxv. 1128.]

After enumerating the force which he had just read, and after some conversation in Committee, the right hon. Gentleman went on to say

"With such a force I venture to think this country may be considered perfectly safe both from attack and from invasion." — [*ibid.* 1130]

What had occurred since then to alter the views of the right hon. Gentleman? It was true an unfortunate war had broken out on the Continent, which, however, he ventured to say relieved us from all apprehension of attack; for it was impossible to deny before that, that if the Emperor Napoleon, who had a mind of going to war very rapidly, had taken it into his head to attack us we should have had a serious matter in hand. France had then a powerful fleet and a great and formidable Army—though not so great and powerful as it was supposed to be—but now her fleet was very much diminished and was partly out of commission, while her military force was greatly crippled. Besides, when France went to war again, it would be rather towards the East, and not towards the West; in addition to which, there was so much kindly feeling cherished towards us for our sympathy and relief during the late crisis that England would be the last country they

would think of attacking. As for Germany, he had always been very much amused at the notion of that country invading us. So far as that contingency was concerned, he agreed with a distinguished Member of the Government who, in a speech delivered in December last, characterized it as perfectly ridiculous; and quite as laughable as if the Germans were to fear that the English were purposing to invade them. No sane man would dream of trying to make a descent upon our shores with fewer than 100,000 men, and when hon. Members reflected that those men, with cavalry, artillery, and stores, would require 500 large steamers well armed to bring them over, they would be of the same opinion. But where were these steamers to be found? They did not exist on the whole coast from Cronstadt to Cadiz. In fact, England should be conquered and taken possession of before the requisite number of steamers could be got. Last year there was a panic in the public and the Press, stimulated, as one Government official had said, by publications like "The Battle of Dorking," and it was so painful that its occurrence was extraordinary. There was a belief, out-of-doors—not, perhaps, altogether unfounded—that our Army was in an inefficient state, and that we had not sufficient field artillery for more than 30,000 or 40,000 men. The right hon. Gentleman stated last year that he would bring in a measure to render panics impossible. In 1844 Sir Robert Peel brought in a Bill with regard to the Bank Charter Act, which, he said, would make panics impossible. But in 1847 there was the greatest panic ever known, and we had a recurrence of panics every ten years since. It would be the same in this case, for the fact was, as long as we had timid people, we should have panics whenever a difficulty arose. But now, finding ourselves in a better position than in 1869, having no fear of invasion from France, and very little from Germany, why increase the Estimates to the extent now proposed? In 1869 we had 127,366 men in the Regular Army, 128,971 Militiamen, 5,066 permanent Staff of the Militia, and 2,000 Reserve of the first class, making in all 263,403, against 133,649 men now in the Regular Army, upwards of 139,000 Militia, and 10,000 Reserves of the first class, making in

Mr. Muntz

all 282,667, being an increase of 19,264 men. He did not say that the Estimates of 1869-70 were right, but he did say that if they were right our present Estimates were wrong, because there was an increase of nearly 20,000 men, and it was for the right hon. Gentleman to show why that increase was necessary. He did not wish to see the cavalry reduced—which still remained at nearly the same figure as that of last year, for he believed it was short; nor the artillery; the engineers, also, he would leave alone, but he did not see, now that we had 10,000 men in the Reserve who ought to be as good soldiers as any in the Line, why the infantry should not be reduced. With regard to the Reserves, he wished to ask whether they were to be called out for exercise and drill, or were they to be allowed to float about with their 4d. a-day? They were now 10,000, as he before observed, and in the course of time should form an important element of safety in the defence of the country. We gave these men about £5 a-year; at present they had not been called out, but in case they were to be called out we might give them something more and make it worth their while to attend drill. He hoped his right hon. Friend would say whether they would be called out, as there was a great doubt in the mind of the public on this point. The hon. Member for Hackney (Mr. Holms) had told the Committee a good deal about the Prussian system. Now, he knew a good deal about that system himself, and he did not believe it was applicable to this country, unless we were prepared to have recourse to conscription. He quite approved the proposal to associate the Militia and the Regulars with certain localities, but it would require great care in carrying it out. But, supposing the right hon. Gentleman wanted 10,000 men, why not embody 10,000 Militia for 12 months, and at the end of that time embody 10,000 more, and so on? In that way, in the course of a few years, the Militia would be regularly trained and as efficient as the Line. That would be adopting a most constitutional plan, and in a short time we should have in the Militia a most valuable and important force. As to the Indian Army, if supplies were wanted for it—and no doubt they were, depôts should be maintained here at the ex-

pense of the Indian Government. It was idle to suppose that in the event of difficulties with America we could send troops to Canada. Nothing less than 200,000 men would suffice for the defence of the Canadian frontier; and he entirely agreed that, in the event of such a war, Canada must be defended at New York, and Boston, and elsewhere. The policy of the War Office should be to secure an effective Army at a moderate cost, and this might be done by carrying out the short-service system, and passing the men rapidly through the ranks. We had seen that three years' soldiers did their work perfectly well; in the late war they fought as well as the best troops of the Line. Why then were we to have this increased Army? In his opinion there was no necessity for it; a smaller force kept in a state of thorough efficiency would be quite sufficient, and they would be quite safe in reverting to the Estimates of 1869.

Motion made, and Question proposed, "That a number of Land Forces, not exceeding 113,649, all ranks (including an average number of 6,185, all ranks, to be employed with the Depôts in the United Kingdom of Great Britain and Ireland of Regiments serving in Her Majesty's Indian Possessions), be maintained for the service of the United Kingdom of Great Britain and Ireland, from the 1st day of April 1872 to the 31st day of March 1873, inclusive."—(Mr. Holms.)

LORD EUSTACE CECIL said, he was glad, after the recriminations of last year, to be able to express his satisfaction with the statement made by his right hon. Friend the Secretary of State for War the other night. The scheme was one which would, he thought, recommend itself to the country, because it was simple in its conception, had evidently been worked out by competent men, was comprehensive in its details, and would give us what no scheme had yet done—the promise of a machinery for getting any number of trained soldiers together when the exigencies of the country required it. At the same time, he hoped his right hon. Friend would not forget that he was merely at the commencement of his business, that we were still in a transition state, that we still had transition Estimates, and that much remained to be done before we could get out of the "Slough of Despond" of Army re-organization. He did not propose to speak a pamphlet upon Germany and the Prussian military

system, or the probable invasion of the country by foreign Powers. He should confine himself to a criticism of the Estimates and the speech of his right hon. Friend. Now, if we were to have a well-equipped, well-found Army in all respects we must pay for it. But there was such a thing as getting money's worth for your money, and he was a little anxious on that point. It was remarkable that in 1866-7 and in 1867-8 we got a larger number of Regular men for a much smaller amount of money. His right hon. Friend had reduced the Estimates this year by nearly a million, and had reduced the Regular troops by 1,300 men, the Reserves by something like 4,000, and increased the Militia by about 5,000, to which might be added some few thousand Volunteers. Now, as far as the Regular forces were concerned, in 1866-7, for £14,340,000, we had 138,000 Regulars; while in 1872-3, for £14,824,000, we had only 133,000 Regulars, so that in 1866-7 we paid half a million less money, and had from 5,000 to 6,000 more Regular troops than we had under the Estimates of his right hon. Friend. So far there was nothing to justify the enormous expense caused by the abolition of purchase. He was not at all anxious to resuscitate purchase; it had been abolished, and could not be brought back. But as the Representative of a certain number of income-tax payers, he must say that those worthy people had really been sacrificed to nothing more nor less than a party measure. Instead of welding the Regulars and Reserves into one harmonious whole, the Government had tried to catch a little popularity, and weld together into a more harmonious whole the various sections of the Liberal party. As to the scheme of re-organization, though on the whole it was sound, the linked regiments seemed in some instances rather ill-assorted unions, reminding him of one of those Republican marriages during the Reign of Terror at Nantes, in France, when people of different rank and station, and perhaps of different nationality, were bound together and thrown into the River Loire. Thus the 49th Herts was linked with the 100th Canadian, and landed somewhere in the middle of Ireland at Birr; and some Scotch and English regiments also had reason to complain. He hoped this portion of the scheme might receive a little further

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consideration, so that these ill-assorted unions might, if possible, be dissolved. His right hon. Friend proposed to do away with the privileges of the Guards. As an old Guardsman, although these privileges were almost coeval with the establishment of a standing Army, and though the double rank of the ensigns was conferred after Waterloo for the gallantry of the brigade in that action, he thought the time had come when those privileges must cease. As far as the officers, however, were concerned, he thought they might be put a little more on an equality with those of the Line. As he understood, it was proposed that the senior captains of the Guards should still do the duties of mounted officers; and if their double rank was to cease, he hoped they would have to each battalion a couple of majors, as was to be the case in the rest of the Army. However, this question as to the officers was, after all, a small matter. A point of real importance was whether the Guards could be recruited as they used to be. It was most desirable that the *physique* and stature of the Queen's body-guard should be maintained. But the Guards would have no district on which to fall back, and no Militia regiment they could look to, under the new arrangement of depot centres; and, seeing the difficulty experienced in recruiting the Artillery, he thought some better provision should be made for obtaining men of the same *physique* as had hitherto enlisted in those regiments. As regards the larger question relating to the difficulty of obtaining recruits for the Line in time to come, of which the Inspector General of the Recruiting department spoke in his Report, he (Lord Eustace Cecil) hoped that his right hon. Friend would give the House an assurance that the inducements offered would be increased to the Army generally. In the absence of such inducements, he was quite certain great difficulty would be found in procuring men with the necessary *physique* to enter the service in the face of the constantly rising wages in the labour market. Last year an important meeting was held, over which Lord Derby presided, which was attended by several distinguished officers, and it was then recommended that as many civil appointments as possible should be opened to deserving soldiers. [Mr. CARDWELL said, that had been

done.] It was not stated what public Departments would be opened; but at any rate there was room for an increase in the number of appointments open to soldiers, and he was sure that the offering of such inducements would operate most beneficially. As to the interchange of officers between the infantry and the Militia, he (Lord Eustace Cecil) could not understand how it was to be effected. Something was said about captains of the Line retiring upon half-pay for ten years—that was, £100 a-year for a limited period, and it was supposed, perhaps with justice, that that would be sufficient to induce them to go into the Militia; but he wished to know how the vacancies were to be made, and what was to be done with the Militia officers displaced to make room for them? Were they to be pensioned or compelled to leave the service, or what was to become of them? On these points more categorical statements ought to be made, because the announcement of his right hon. Friend had already produced considerable excitement among the Militia officers. They said, and said rightly, that they had given themselves a good deal of trouble to pass the qualifying examination, and that it would be exceedingly hard if they were to be displaced by captains from the Regulars. He was glad that there was to be a camp of instruction in the North, a matter which had been advocated over and over again from the Opposition benches last year; for certainly Aldershot and Shorncliffe were not sufficient for the whole of the Reserve and Regular forces; but he must call the attention of economical Members opposite to the estimate that a camp of 1,500 acres was to cost £225,000 or £150 an acre, whereas he was told on good authority that for land like the moors of Yorkshire or Northumberland £20 an acre ought to be enough. The cavalry and the artillery were thrown into the shade a little by the scheme of the Government. His right hon. Friend hinted at some plan for recruiting the cavalry, but he did not explain it. If the Yeomanry could not be treated as Militia, why was not some alternative scheme of recruiting for the cavalry proposed? It was more than likely that in time of war there would be great difficulty in getting cavalry and artillery up to the mark. Last year he

complained of the insufficiency of our horses and guns. His Royal Highness the Commander-in-Chief spoke of the cavalry as the eyes and ears of our Army, and another noble Duke had said that our Army could not march. The latter statement was not surprising, because if there were not a sufficient number of transport horses, it was clear the infantry were not fit to make long marches in the field. Deputy Controller Robinson, in his Report on the Autumn Manceuvres, said that the hired transport was not found equal to our requirements; some of the waggons were unsuited to the service, others were underhorsed, and when additional Army Service Corps horses were attached to assist, the harness in many instances gave way. [Sir HENRY STONKS: That part of the Report only relates to the hired horses and waggons.] Though that related to the hired waggons, it did not invalidate his argument as to the lack of horses; and if they had to be hired it only showed how ill-prepared we were to take the field. In the German Army the peace establishment allowed 1 horse to 4 men; we had 1 horse to 10 men, excluding the Volunteers, and, including them, 1 to 15; that was, one-fourth or one-fifth of the number we ought to have, supposing 470,000 men, the whole number of our Regular and Reserve forces, were to be brought into the field. In the German Army there were three guns to 1,000 men; at that rate we ought to have 1,400; but last year we had only 336, and not having heard that the right hon. Gentleman proposed any addition, he trusted the Committee would receive some assurance on this head. Finally, he must say there was almost universal dissatisfaction with the Royal Warrant, relating to the promotion of officers, which was promulgated in November. It was true that since there had been newspaper reports that one-half of it was withdrawn; and he should be glad to hear that that was the case, for there was neither logic nor fairness in that Warrant. If it was good for one part of the Army it ought to apply to the whole; but as it stood it related only to infantry and cavalry of the Line. It was quite obvious that if examination was necessary to keep up professional knowledge in unscientific corps, it was much more necessary in the scientific corps; and although

captains in the artillery were examined, there was no examination in the engineers. With regard to promotions, it seemed to him that the system of selection would work great injustice unless it were much more carefully guarded than there was any right to expect it would be; and several of the regulations opened the door to any amount of jobbery. There was also the question of confidential reports, and if they were to continue, their existence would, in his opinion, render the Army almost intolerable. They would establish a system of espionage amongst the officers of the Army, and would destroy that harmony which was necessary for the maintenance of the regimental system. He knew no system in any other service in the country like that which would be brought into operation by those reports as sketched in the Royal Warrant.

SIR HENRY STORKS: The reports to which the noble Lord refers are not mentioned in the Royal Warrant, but in a few clauses inserted in the Queen's Regulations.

LORD EUSTACE CECIL said, that substantially made no difference; they were to be the rule in the Army for the future, and he could conceive nothing likely to be more injurious to the service. It was impossible that under it any body of men could work harmoniously, and he trusted his right hon. Friend at the head of the War Department would be able to give the House some assurance that the paragraphs relating to the reports of which he was speaking would be excised from the Queen's Regulations as rapidly as possible. He would merely add the expression of a hope that the system of selection which had now been started would not turn out to be, as had been said by a noble Relative of his "elsewhere," a system of stagnation tempered by jobbery.

COLONEL ANSON said, he should confine himself to dealing on the present occasion with the topics which had been touched upon by the right hon. Gentleman the Secretary of State for War when introducing the Army Estimates. The first subject to which he wished to refer was that of recruiting, and he must say that when he heard the speech of the right hon. Gentleman he was filled with misgivings, in which he had been confirmed by the Report of the Inspector General of Recruiting. The

subject was one of the greatest importance, because the class of men whose services we could secure would depend entirely on whether the new system of short service was effectively carried out. It also involved considerations of the greatest consequence with respect to our being able to obtain an Army of Reserve, and the number of men we ought to have in our standing Army. He would, in dealing with the subject, briefly refer to some passages in the Report of the Inspector General, and it was evident from them that whenever we had to supply men, and not boys, there was an immediate failure. Let him take the case of the Royal Artillery; there we could get drivers, but when we wanted gunners we failed. We were, in fact, short of gunners to the extent of 1,700 men. Indeed, the Report of the Inspector General was neither more nor less than an elaborate apology for the failure of the whole of our present system of recruiting. He stated that there was good reason to believe that the *physique* of the recruits during the last year gave good promise that they would become very effective soldiers, which was as much as to admit that he was not quite certain they would be effective soldiers at any time, and, at all events, that they were not effective at present. In the very next page the Inspector General dealt with the question of height, observing that the standard height during the year was 5 feet 5 inches, but when we had to raise 20,000 men, it fell to 5 feet 4 inches. Again, it was stated that the average age of the recruits last year was 19 years, and more than half of them were under that age. Again, the Inspector General tried to make out that it was a good thing to recruit boys, being of opinion that by the time they attained the age of 20 they would be physically superior to men who had been recruited when above that age. That, however, was no argument in favour of the most expensive system of recruiting—that of feeding up boys for two years in order to render them fit to take the field. The subject, he repeated, was one of the utmost importance, and it was evident the Inspector General foresaw that the pay of the men would have to be raised in order that recruits might be attracted into the service. It was very well to say that the Inspector General

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based his Report on the reports of the commanding officers, but he should very much like to see their reports, and he hoped some hon. Member of greater weight than himself would move for a Select Committee to test the accuracy of the statement of the Inspector General, as compared with what one heard said on all sides. On the question of recruiting, he might add, depended very much the number of men to be maintained in our Army. He regretted the hon. Member for Hackney (Mr. Holms) was not in his place. If he had been he should refer him to the able speech he had made last year, which contained opinions very different from those he had expressed that evening. The whole point of his speech last year was that we ought not to have men under 19. He went on to say that it was necessary we should have 62,000 men in India, 25,000 in the colonies, 70,000 at home, and a Reserve Army of 100,000—a very different statement, as hon. Members would observe, from that which they had heard from him a few hours previously. That force, too, be it borne in mind, was not to be composed of boys, but of men over 19 years of age, trained soldiers who had passed through the Army. Unless men were recruited in the first instance, and not boys, they could not be passed quickly through the ranks, and the forces at our disposal would never be efficient, either for Indian purposes or to meet any emergency which might arise. As to the strength of our Army, he should like for a moment to refer to the decrease which had occurred in our Regular forces between 1860 and 1870. In 1860, the total forces at the disposal of the Crown for the defence of India and at home, amounted to no less than 235,800. At home and in the colonies we had 156,782, in India 79,000. In 1870, the number was 60,000 less. War broke out, and then there was an increase in the numbers of about 25,000, but they were not men but boys. Moreover, a Motion, assented to by the Government, passed the House last year, prescribing that the age of the troops sent to India should not be under 20 years, and these circumstances, together with the regulation for three years' service, had reduced the physical strength of the Army generally. He thought the question of recruiting so important, that, if no one else took it

up, he would himself move a Select Committee to consider the subject. Under the new scheme of the right hon. Gentleman, the Line regiments and the Militia would have a tremendous pull in respect to recruiting over the Guards, the artillery, and the cavalry, and yet the latter were the very branches of the service for which it was desired to have the pick of men. With regard to the whole scheme of the right hon. Gentleman, he thought nothing could possibly be better than the general principles, and from all that appeared in the newspapers, and was heard in conversation, it might be presumed that they would be excessively popular, and, for himself, he most thoroughly concurred in them. However, the success of the scheme entirely depended on the spirit with which it was carried into execution, and on the harmonious working together of the various parts; but if it was carried out in the manner proposed by the right hon. Gentleman the state of the Army would, in some respects, be infinitely worse than at present. Take, for instance, two regiments of the Line. It was proposed that the two regiments should be linked together, and two battalions should be taken from them. They were then to be formed into a local centre, and to that local centre was assigned the recruiting for both battalions. The battalion abroad would be entirely dependent for recruits on the dépôt centre or upon its twin battalion at home, and in the case of India it would always be dependent on the twin battalion at home, and not upon the dépôt centre. How, then, could they expect harmonious action between the two regiments at the central dépôt, each retaining its own distinctive appellations, *esprit de corps*, and its jealousy, perhaps, of the other? He would, therefore, advise the Government to go one step further, and say at once that the two battalions should not merely be linked together but become one single regiment; and that could be effected by putting both battalions under one supervision, having first taken the distinctive numbers away of both—say, the 57th and 77th, and make them the 50th. If that were done there would be a chance of carrying out this system in a harmonious manner. No one had a higher idea of regimental *esprit de corps* than himself, for half of the secret of our success was to be attributed to it; but

it did not at all follow that this would not be equally strong under the plan he suggested, if the battalions retained their old distinctions. He did not think that the right hon. Gentleman had quite taken the bull by the horns. It was not so much for their regimental numbers that regiments cared as for their badges, their names, and the words inscribed on their colours. In the case of some regiments it was almost an insult to call them by their number, instead of some peculiar designation which attached to them—for instance, the Rifle Brigade was the 95th in the Peninsula, but it was far better known by its historical associations than its number. What was wanted was to secure the efficiency of the whole Army, and as a step towards that object the change he suggested could be effected at a very little expense, while, without it, he feared that the plan of linking as proposed by the right hon. Gentleman would lead to failure. The proposal as to having stores at the central dépôts was one of the greatest improvements in the scheme. The question as to the number of men had already been touched on, and he attached a great deal of importance to it. He saw with regret that the Government were withdrawing from China and the Straits Settlements 1,700 native troops, thereby throwing on European soldiers the garrison duty there. In 1865 the Government of that day, for the sake of economy or some other reason, resolved to withdraw the native troops from China, and the result was that the whole of the work was thrown on European soldiers. The native troops left China in March, 1867, and the result was, in a few months after that, out of the two battalions of the 9th Regiment, 838 men, 85 men died and 115 were invalidated, 6 women and 24 children died, and 27 women and 40 children were invalidated. Out of 716 men, forming two battalions of the 11th, 94 men died and 164 were invalidated, 3 women and 28 children died, and 21 women and 28 children were invalidated. That was one of the results of withdrawing the native troops from China. In 1866 a Select Committee considered this subject, and they reported very strongly against withdrawing native troops. The evidence pointed distinctly to the advantage of constantly maintaining an Asiatic force at that station. With regard to the financial question, the Committee

were of opinion that the substitution of a purely European garrison ultimately resulted in increased expense. Next year he moved for a Committee to inquire as to the desirability of employing Indian troops in our colonies; they recommended that Indian troops should be more largely employed for that purpose, and a considerable saving might in that way be effected. He thought it his duty to call the attention of the Committee to this point, for notwithstanding the Reports of those two Committees, the Government were again intending to withdraw native troops from China. The next point to which he would refer was one which had been touched upon by the hon. Member for Hackney—he meant the question of control, and the supply of warlike stores and manufactured articles. The right hon. Gentleman the Secretary of State had passed over the subject, saying that the right hon. Gentleman the Surveyor General would refer to it another time. Now, this was one of the most important Votes in the Estimates, and if the Estimates were taken on a Monday it would be impossible for any Member to make a Motion in reference to the Vote. It dealt with about the largest item of expenditure in the Army Estimates—the item on which almost the whole reduction of the year was effected. Whether that reduction was wise or not he could not say. During the last 10 or 15 years our expenditure on warlike stores had trebled that of any other nation in the world. Some years ago he had urged the War Office to, in fact, take stock of their stores, and present to the House of Commons a comprehensive Return, on the principle carried out in the French system of accounts. Until that was done, it would be impossible to carry out an economical administration of the Control Department. A Return certainly had been issued, but it did not come up to his meaning. He could only re-echo the remarks made by the hon. Member for Hackney with respect to the manufactured articles; there was no public department that required to be more narrowly watched, or where a greater amount of money might be saved. He was sorry to see that the War Office still seemed to shirk the question of retirement from the way in which they dealt with the Royal Artillery. The right hon. Gentleman appeared to flatter

Colonel Anson

himself that by giving appointments in the Reserve force, and creating Staff appointments, he was meeting the great difficulty of stagnation in promotion. But the fact was not so, for the question must eventually force itself upon the attention of the Government. The right hon. Gentleman might promote the whole of the first captains in the Royal Artillery to the rank of major, as no doubt they well deserved, and he should be very glad to see them all majors; but that would not remove the difficulty. The stagnation of promotion would remain just as it was. It did seem at first sight as if this was intended as a sop to the Royal Artillery to stop the question of actual retirement. If it was intended in that way, he must say it was a very hard case as regarded other officers. After the right hon. Gentleman made his speech, he (Colonel Anson) had received a great many communications calling attention to the injustice which would be done to officers of the Line by this enormous promotion. He hoped the opportunity would not be lost for taking into consideration the case of certain of the captains in the Line. It was very curious that there were only 87 first captains in the Royal Artillery of over 20 years' service; only one of over 23 years' service; and only 17 of over 22 years' service: whereas in the purchase corps of the Army, cavalry and the Line, there were no less than 29 captains of over 24 years' standing, 67 of over 22 years', and 211 of over 20 years' standing. So that this great promotion in the Royal Artillery would be most unfair unless the same consideration was shown to these officers of the Line. This led him to say one word as to purchase, on which he had not intended again to touch. He accepted the situation, and there was end of it. But the right hon. Gentleman, in the commencement of his speech, began to crow over them, and stated that the abolition of purchase was not going to cast so much as had been expected. But there were two reasons why officers had not sent in their papers on the scale expected—one was they did not clearly understand the Act, and the other was they had no confidence in the Royal Commission named by the Secretary of State. The Secretary of State had nominated the Commission without putting on it a single name in which the officers were likely to place their

confidence. He was not saying one word against the Commissioners, or implying that they would not interpret the Act in a proper spirit. He had received a great number of communications from officers of the Army, complaining of the decisions of the Commission: and he must frankly admit—without saying that the Act itself was just—that, as far as he was able to gather from the cases which had been put before him, he believed it was impossible for any Royal Commission to have carried out more fairly than they seemed to have done the Act which they were called upon to interpret. With respect to the officers of the Guards, the right hon. Gentleman proposed to retain to all existing officers the privileges they had hitherto enjoyed. He himself was glad of that; but it amounted to a practical admission that every argument which he had used last year was perfectly correct, and that every argument used by the right hon. Gentleman was wrong. Why did the right hon. Gentleman deal in that way with the Guards? Because he was a just man; and when it came to be put before him in the War Office that those men were fairly expecting a certain promotion on the faith of which they had paid sums of money, and on the faith of which they had entered the service, he no doubt at once saw that it was a monstrous injustice to interfere with the just expectations of these men, and deprive them of that which they had a right to so long as they were efficient and did their duty. But it was a very curious thing that such a different measure of justice should be meted out to certain cavalry officers and to the unfortunate major of the 62nd Regiment. There was absolutely no difference between the cases. It was by no means fair to be so tender in the case of the Guards, and so little tender in another. The only reason why he mentioned this was, not because he wished to see the privileges of the Guards stopped, but because he took this last opportunity of protesting against this system of selection, as there was no object now to gain by it. The system of rejection, however, might be carried out as much as they pleased. He hoped that the suggestions he had thrown out would meet the views of the Secretary of State for War.

Mr. CAMPBELL said, he was anxious to recall the Committee to the proposal

under their immediate notice. The hon. Member for Hackney (Mr. Holms) said his object was not to reduce our armed force, but to take 20,000 men out of the Regular Army in order to place them in the Reserve; and, for the purpose of supporting his Motion, he adduced many arguments drawn from the state of things existing in foreign countries, and, above all, in Prussia. The hon. Gentleman condemned the extravagance with which our Army was administered, and gave them a great deal of information as to Prussia. That information was exceedingly interesting; but he would remind his hon. Friend of the French saying—"Comparaison n'est pas raison," and that arguments founded on analogies between two cases in which the circumstances were not entirely similar were apt to be extremely fallacious. As to Prussia, it must be remembered that its system was a compulsory one, and it must not be supposed that compulsion was, so to speak, left at the door when the recruit had entered the Army. In Prussia every department of the public service, every private industry, and every private interest, was made to yield to the great military necessity for which that country might almost be said to exist. It had been said, indeed, that Prussia was not a country with an Army, but an Army with a country. That must be considered when we were instituting any comparison between ourselves and such a nation. Again, his hon. Friend recommended that instead of having mere dépôt centres, with regiments locally attached to them, we ought in this country to establish *corps d'armée*, as in Prussia. That, might perhaps, be ultimately desirable; but there was this difference between us and Prussia—that they had not the advantage we possessed in having the sea round our frontier; and, consequently, it was necessary in their case that a whole *corps d'armée*, as it would move in the field, should be able to start from the place where it originally was; whereas, on the other hand, all our troops would have to be sent to ports of embarkation. Therefore there was not the same necessity on the ground of rapid mobilization with us as there was with Prussia, for the *corps d'armée* system. The hon. Member had then brought three accusations against our system—first, that our system of recruiting was bad; next, that there

were great evils in our mode of recruiting for the Line, the Militia, and different arms of the service, alongside of each other, and in independence of each other; and, lastly, he spoke strongly against the Militia. Now, as to our recruiting, it might be bad or good; he was not going to enter upon that subject, but one thing he might say, that it was the intention, and the confident expectation, of his right hon. Friend the Secretary of State for War that his localization scheme would have a most beneficial effect on recruiting. It was expected that quarters of the country would be beaten up which were never touched before, and that there would be a great inducement for recruiting in the system of short service, by which, when a man went back to the Reserve, he would not go among strangers, but to his old home and among his old associates, and would retain a connection with, and an interest in, his brigade. All that was expected to have a great effect in making recruiting popular. As to recruiting for the Militia alongside of the Line and for different arms, as it were in rivalry with each other, it must be remembered that the whole of the recruiting would be under the supervision of the officer commanding the district, whose duty it would be to take care that the one thing did not interfere with the other. In enlisting a recruit in this country they must very much have regard to his own choice; they could not altogether take a man, as was done in some countries, and put him in that branch of the service for which they thought he was most suited. Then the third part of his hon. Friend's destructive argument was applied to the Militia, which he said was so little trained as not to be a force which could be relied on in time of war; while at the same time he seemed to be in favour of retaining the Volunteers, which certainly received a much inferior training to that given to the Militia. It was, however, expected that the Militia would be improved by its contact with the Line, and it was to be hoped that where deficiencies existed they would be amended under the new system. The hon. Member, too, was anxious to resort to the shortest possible term of service, and that we should increase the number of Reserves as quickly as possible. That also was the desire of the Government;

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but it was impossible yet to lay down an iron rule as to the term of enlistment, the number enlisted, the number of Reserves, or the manner in which they should be distributed. All action on these points was experimental at present. Indeed, although the localization of the Army attracted most attention at present, it should not be forgotten that the change was being carried out in conjunction with the very difficult task of transforming a long-service Army without Reserves into a short-service Army with Reserves. The House had thoroughly adopted the principle of these changes, and the only matter now in dispute was the manner in which they should be brought about. The question of short service was a question as between quality and quantity; we had, in fact, to find the point at which we should have the greatest number of men passed into the Reserves after sufficient training, or, taking the other view, the point at which the greatest amount of training could be given consistently with maintaining a constant and sufficient current of removal from the colours to the Reserve. Obviously, this problem could only be solved after some years' experience. The task was complicated by the necessity of garrisoning India. If we had no troops in India the best plan would be to maintain a large number of *cadres* at the lowest possible establishment consistently with being workable, which in time of war would be rapidly filled up by Reserves: but this would have to be accompanied by rapid recruiting and rapid discharge, and would interfere with the sending of drafts to India. Experience had, therefore, to define another point besides the point where quality and quantity in the Reserves met—that was to say, where the greatest expansiveness for home service could be secured in conjunction with providing a sufficient garrison for India. This complicated problem could not be decided off-hand, and certainly would not be assisted by cutting off 20,000 men at the very beginning of the experiments which would eventually solve the problem. The hon. Member, however, could not even wait until the Reserves were formed. He demanded Reserves with one breath, and with the next would cut off the supply of Reserves. It was impossible to say at present what term of service would best

produce the results desired, and he counselled the Committee to leave it to the Secretary of State for War and to Parliament, to whom he was responsible, in the future to decide what should eventually be the standards of service. It might be asked why not pass the long-service men into the Reserve? His answer was, that this was already being done as fast as possible, and that provision was made in this year's Estimates for passing as many as were likely to accept the service. Some doubts had been expressed as to whether the Reserve forces would be got together for training when required. If that objection were valid, it would be overcome by the local system, because the men would literally have a local habitation and a name; but experience gave some assurance on this point. Out of 7,116 Army Reserve men of the first class on the books on the 1st of January last, only 341 failed to appear at the muster, and that the Committee would no doubt allow was a very small proportion of failures, considering the circumstances in which the men were placed. He hoped on these grounds that the Committee would not agree to cut off 20,000 men from the Army, but would be content to wait until it was seen what the effect of the Reserve-creating machinery might be.

Mr. STANLEY said, that the hon. Gentleman who had just sat down (Mr. Campbell) had tried to limit the discussion as far as possible to the Amendment of the hon. Member for Hackney (Mr. Holms); but he ventured to think that that Amendment embraced matters that were so mixed up with the whole question of the efficiency of our Army, that, subject to the correction of the hon. Chairman, he should, in referring to it, enter into the general subject of this Vote. He was one of those who, although in favour of the abolition of purchase, had, nevertheless, considered last year that in doing away with that system, without seeing the scheme of the Government, the House was incurring a serious responsibility. He was, however, bound to declare that, both from the clear statement of the right hon. Gentleman the Secretary of State for War in introducing the Army Estimates, and from the Papers relating to the subject which had since been laid upon the Table of the House, the scheme of the Govern-

ment, when it had been properly modified, appeared likely to afford all those advantages the House and the country were anxious to obtain, and would probably afford a basis on which an enduring scheme of Army re-organization could be carried out. The two main points in the Government scheme were, in the first place, fusion or amalgamation of the forces, and, in the second, the localization of the forces and connecting them with territorial divisions. With regard to the first point, he would consider whether the proposals were good as far as they went, and whether they were proposals capable of extension, if necessary, in the future. As far as he understood it, the only fusion at present proposed was that the adjutants of the Reserve forces should be reckoned as supernumerary officers on the staff of the Regular Army, and that the non-commissioned officers were, for the purposes of training, to be common, as it were, to the two branches of the service. It seemed to him to be a question of doubt whether the benefit that seemed to be anticipated would accrue from the proposal to allow a certain number of officers in the Regular Army to retire on half-pay after a specified length of service in order to enter the Militia for a certain number of years. It was true that from time to time a number of officers in the Regulars would be anxious for various reasons to retire temporarily from active service; but he doubted whether any such officer who desired subsequently to follow up his profession would retire into the Militia with only an off-chance, so to speak, of returning to the Regular Army, in case the Militia regiment in which he served were embodied. If it was a matter of importance to have professionally-trained officers in the Regular Army; it was certainly not less important that there should be such officers serving in the Reserve, where the non-commissioned officers and men had much to learn; and he rather doubted whether officers who went into the Militia to return to the Army at some unknown date would keep up their professional acquirements, which required following up day by day. A great practical advantage would be gained at once if the present Staff of the Militia could be appointed as supernumeraries to the regiments to which they were to be attached. He quite

agreed with the hon. and gallant Member for Bewdley (Colonel Anson) in thinking it would be a great advantage, when amalgamating two regiments, to amalgamate them rather as two battalions of the same regiment. The result of such a course would be to bring about greater unity of sentiment and general harmony of action than would otherwise exist. Some means should be taken also to preserve an identity between the regiment serving abroad and the home regiment with which it was amalgamated, for by this means the two divisions would have more closely at heart the honour of their one regiment. These were comparatively trifling matters, but, taken as parts of the whole scheme, they were points which possessed some importance and deserved to be considered. Another of the advantages which would spring from this closer amalgamation was that it would put an end to the jealousy and suspicion which occasionally sprung up. Some time ago he was adjutant of a battalion of Guards which was serving at home, the other battalion being out in Canada, and he knew that there actually arose a feeling that one of these battalions was being unfairly favoured at the expense of the other. And if this arose in the case of two battalions belonging to one regiment, it was ten-fold more likely to arise where two battalions of different regiments were amalgamated. The hon. Gentleman the Financial Secretary to the War Office (Mr. Campbell) spoke of the officers commanding in districts taking care that the recruiting for the Army and the Militia did not interfere the one with the other; but that observation was answered by the hon. Gentleman himself when he said that service in this country being voluntary the difficulty would be greater than in Prussia and other countries, where service in the Army was compulsory. Another point was in reference to the equipment. He hoped arrangements would be made whereby it might be tried whether the equipment of the Militia regiments could not be carried on so as to correspond as nearly as possible with the equipment of the Line regiments to which they were to be attached. At present the Militia equipment was, in many respects, very far short of what would be necessary for the Regular service. His Royal Highness the Duke of Cambridge, in his Report upon the Autumn

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Maneuvres, referred to this fact, and expressed his opinion that the Militia should be equipped in every respect as the Regular Army was, proper equipment tending to strengthen a man's respect for himself, such respect forming the very root and foundation of sound discipline. With regard to the localization of the Army, it was true, as had been said, that the position of England differed from that of Germany and some other countries. The proverbial "streak of silver sea" would have to be crossed in case of war, and as regiments, brigades, and divisions would have to be broken in order to transhipment, there would not arise the same advantages for localization which would be found in countries where a whole *corps d'armée* could move complete of itself. It would be all very well if localization could be carried out to the extent of identifying, for purposes of association, particular regiments with particular territorial districts; but as he understood the proposal of the Government, it was desired by the right hon. Gentleman (Mr Cardwell) to mingle the different nationalities comprised in the Army of the United Kingdom. If that was really intended, he could not help thinking that the tendency of the scheme would be to delocalize and weaken the Army, and produce a result different from that which was to be desired. It was proposed, further, that the troops should be trained at brigade depots by directors, who were to be lieutenant colonels in the Army; but it occurred to him that it would be difficult to retain the services of these lieutenant colonels on the Staff in time of war, if the districts were to be of the nature of nothing more than depôts instead of military districts. With regard to some other proposals of the right hon. Gentleman, relating to arrangements for the Staff, he would call attention to another portion of the Report on the Autumn Maneuvres, where His Royal Highness the Commander-in-Chief dwelt on the importance of Staffs being associated and encamped with their troops several days, if not a week, before any actual movement took place. He wished the right hon. Gentleman had given a little plainer explanation as to what he proposed to do with respect to the purchase of county buildings, as he might rest assured there would be no opposition to any proposal he might

make for the purpose of doing away with billeting. It was almost impossible, indeed, to exaggerate the evils accruing from that system. The officers and the men were scattered; the officers had no control over the men, and the men were not brought together. If he rightly understood the right hon. Gentleman's statement, the sum which would probably be required for the purchase of county buildings, and the arrangement of the various stores, would not fall far short of £3,500,000, and it was highly desirable that the Committee should have further details as to the manner in which that large sum was to be expended. Was it to be chiefly expended on the purchase of land, or in the construction of buildings? If we made a great outlay on the construction of permanent buildings, we should be greatly cramped if, at a future time, we required any further re-arrangement; because they would most likely be adapted only to military purposes, and, therefore, could only be disposed of at a considerable loss. In connection with that part of the subject, he might mention that the buildings at Shorncliffe, the Curragh, and Aldershot, though erected years ago for temporary purposes only, had been used up to the present date, their original cost being, of course, much less than it would have been if the buildings had been of a permanent character. He hoped the Committee would hear from the right hon. Gentleman that there was a likelihood of military maneuvres being soon carried out in the North. [Mr. CARDWELL: No, no.] At all events, he earnestly hoped the Reserve forces and Volunteers in the North would have an opportunity of seeing such manoeuvres as they were unable to witness last year, in consequence of the great expense of conveying them South as far as Berkshire. As to the Control Department, there was no doubt a great deal to be said about it, but perhaps it would be better to give it another trial under circumstances similar to those of last year. He would only point out that the Duke of Cambridge's Report was strongly opposed to the system of civilian transport, and it was worth consideration, whether a military transport could not be provided without any great increase of expenditure. With regard to the education of officers, he thought the right hon. Gentleman

must be fully satisfied by this time that there was no foundation for the disparaging remarks made upon the amateur character of our officers, and that they needed no inducement to avail themselves of all the facilities for education which were offered to them, for he (Mr. Stanley) was sure they would try to learn all they possibly could. Though he did not share the opinion expressed by some of his hon. and gallant Friends, that all the proposed changes would have been possible prior to the abolition of purchase, yet he could not help thinking that many of the shortcomings of the officers which had been dwelt upon last year were due to the deficiency of facilities for professional education. The right hon. Gentleman had spoken of the desirability of keeping down the mess expenses of officers; but history taught us that sumptuary laws had not reflected much credit on this country; and if any attempt were made to tie officers down too tightly at the mess, they might be driven to places where they would be beyond the control of their commanding officers. He wished to draw attention to an abuse which had grown up with respect to messes. It was now an almost universal custom when regiments were changing their quarters, to give to each other expensive and formal dinners. There was no real hospitality; the custom was not popular with the majority of the officers in the Army; and 80 per cent of the commanding officers were strongly opposed to it. There were plenty of other means of making officers acquainted with each other than by excessive hospitality. Visiting each others messes, and paying a share of the expense was true hospitality; the other was only formal ceremony. But many officers were obliged to attend the messes of neighbouring regiments by the order of their superior officers. The right hon. Gentleman might also render great assistance to the officers and to the country by limiting to a far greater extent than was done at present the moving of officers' furniture from place to place. No doubt there was a certain inconvenience in providing at the various stations the articles which officers might require, but they would not incur the expense of moving their baggage, while they would avoid those connections with tradesmen into which poor officers in particular

were obliged to enter when sent suddenly to foreign stations. He begged to thank the right hon. Gentleman also for what he had done with respect to the vexed question of bands, and he would like to suggest to him that a further saving might accrue from the brigading of two bands together, thus enabling a good band to be formed by the united action of two regiments. He could not sit down without saying a word with respect to the change which had been made in regard to the special branch to which it was once his privilege to belong. Everyone who took an interest in the Army must have been aware that sooner or later the special privileges which belonged to the Guards must be done away with. It would be too much to expect that privileges acquired in 1693 should continue to be kept alive to the detriment of the whole service, and he was bound to add that the proposals of the right hon. Gentleman seemed to be looked upon on nearly all hands as a fair settlement of the question. At the same time he demurred to one term used by the right hon. Gentleman opposite when he spoke as if the Guards got off with a lighter qualifying examination than the rest of the Army. As to the Amendment of the hon. Member for Hackney (Mr. Holms), and the arguments he had made use of in bringing it forward, he would only say this—that the comparison which the hon. Gentleman had drawn between the Army of this and those of other countries in no way held good in his opinion. The hon. Gentleman seemed entirely to forget that, although the money cost of foreign Armies might be less, other nations paid a great deal more in the shape of the general inconvenience which they suffered. We could not, moreover, expect from an Army enlisted under the voluntary system, the same results as from an Army kept under compulsion from the moment of enlistment throughout the whole of its service. In dealing, too, with voluntary enlistment it should be borne in mind that if, beyond a certain point, fresh duties were imposed upon our soldiers, more would be done to discourage recruiting than would be balanced by increase of pay or by pensions. In conclusion, he begged to congratulate the right hon. Gentleman the Secretary of State for War on the scheme which he had laid before Parliament and the country, and

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must say he hoped the Amendment would not be pressed, for if it was he should be compelled to oppose it.

MAJOR WALKER said, he wished to say a few words on the scheme of the right hon. Gentleman the Secretary of State for War, more especially as it affected the force of which he was a humble member. He must, however, in the first place, congratulate the right hon. Gentleman for not having approached the whole of our military system as if it were a *carte blanche*, and for having made use of the materials which he found ready to his hand. Having done that, he begged to thank him for having put a stop to the system of billeting in the Militia, a system against which, since he had the honour of a seat in that House, he had always raised his voice. Passing from that point, he looked upon the scheme of the right hon. Gentleman as well calculated, not only to promote the efficiency of the Militia, but that of the whole military service of the country, if it were only carefully worked out. He hoped, however, he should be forgiven if he pointed out certain dangers, which might be distant, but which were still real, if it was the object of the right hon. Gentleman to foster the existing Militia system. The first of those dangers was connected with the officering of the force. It was proposed to introduce into it captains of 20 years' service in the Regular Army. That being so, he wanted to know what was to be the system of promotion in the Militia generally. As regarded its officering, it was an exceptional service. It was a seniority service of a particular kind, inasmuch as the seniority was not tempered by service in the field, by Staff appointments, or by brevet rank, and inasmuch as it terminated abruptly at the grade of lieutenant colonel. Up to the present the difficulties arising from such a state of things had not become very prominent. There had been an exceptional absence of blocking, because for the last 10 or 12 years the service had been made so entirely unpopular by the action of successive Governments, that there had been the greatest difficulty in finding officers to enter it at all. Officers passed, therefore, with comparative rapidity through the junior grades, and a deadlock of promotion had not as yet been arrived at. The right hon. Gentleman

had been successful in filling up the junior ranks, but the inevitable result would be that within a certain time, be it 5, or 10, or 20 years, a block of promotion would come, and we should have captains of 60, and gay young subalterns of 40 and 50. If to that were super-added the system of bringing in officers from the Line, serious difficulty and great danger would result to the Militia service. He, however, did not at all object to a certain number of professional officers being brought into the Militia from the Line, but everything depended upon the proportion in which they were introduced. He trusted the right hon. Gentleman would afford some explanation on that point, in order to relieve the anxiety of many deserving officers in the Militia. Adverting to the proposed system of localization, which in the main he approved, he must point out that there was another danger to the Militia which, though not so prominent, was quite as real, and that was this—the permanent Staff of the Militia was the backbone of the force, and under this system the permanent Staff would really cease to be militiamen, and would become members of the dépôt. For 11 months of the year the permanent Staff would have no connection with the Militia; and, indeed, with nothing but the dépôt. They might, under these circumstances, come to think the training of the Militia an interruption to the ordinary dépôt duties, and they might also practice upon the men to induce them to join the Line battalion. If that danger were not obviated, it would result in breaking down the old regimental spirit of the Militia. It might, indeed, for a few years stimulate recruiting for the Line, but it would be found to interrupt enlistment in the Militia; the officers also, it was to be feared, would drop off, and finally the dépôt centre would come to be simply a large recruiting establishment for the Line. No doubt, many officers of the Line would look upon the breaking-up of the Militia, not as a loss, but as a gain, because they looked upon the Militia as an obstacle in the way of recruiting for the Regular Army. He believed himself that that was a great fallacy, and that the Militia was the necessary complement to our system of voluntary enlistment, and the source of great strength to the country. Under our Militia system the country

obtained the service of 150,000 men—a force which could be easily expanded in time of need to 200,000, who were perfectly willing to subject themselves, in time of peace, to drill and to military discipline and to the Mutiny Act for a period which enabled them to become practical working soldiers, content at its expiration to return to their civil pursuits, while in time of war they would be embodied, and so become a real addition to the standing Army of the country. It might be objected that the Militia could not be regarded as an addition to our standing Army, because even in time of war they were not bound to serve abroad; but the force had never insisted upon that limitation to their service, and in the time of the Irish rebellion at the end of the last century and the beginning of the present, of the Peninsula War, of the Crimean War, and of the Indian Mutiny, large numbers of the Militia regiments had volunteered to serve abroad. Under those circumstances, Her Majesty was as much entitled to count in time of war upon the services of the Militia at home and abroad as she was upon the Guards. He regretted to see that the right hon. Gentleman, although in the Act of last year he had taken power to call out the Militia for six months in the year, had made no provision for extending the period of their training beyond the 28 days hitherto allotted to that purpose.

MR. CARDWELL said, he would inform the hon. and gallant Gentleman that it was proposed to extend the time for training the Militia.

MAJOR WALKER said, he was gratified at hearing that assurance from the right hon. Gentleman, and trusted he might also hear from him that means had been taken to give adequate professional instruction to officers in the Militia.

MR. CARDWELL explained that it was expected that the establishment of local centres would afford the Militia officers the opportunity of obtaining the best possible instruction.

MAJOR WALKER said, he must again thank the right hon. Gentleman for the statement, though he could not find anything either in the speech of the right hon. Gentleman or in the Estimates to show that there would be a definite plan of improvement. The officers were the weak part of the Militia force, and that

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both in respect of quantity and quality. In the Regular Army there were three officers per company, whilst in the Militia there were now only two. The Militia officer, too, when he received his commission, had to attend an annual drill of 27 days, whilst everything else in the way of instruction was entirely optional with him. He might, if he chose, go to a school of instruction, but he would do so on very "mean terms." If he did not go, what chance would he have of making himself effective? Examinations, it was true, were promised; but a high standard of professional attainments could not be applied to men who had only 27 days' training in the year. He trusted that the right hon. Gentleman had some remedy for that.

MR. CARDWELL explained that the Vote for Schools of Instruction had been raised from £1,500 to £4,000.

MAJOR WALKER said, he was aware of that fact; but thought that would not sufficiently provide for the requirements of the Militia officers. It was very important that men who had to drill troops, and might have to command them in the field, should master the details of military science. He had dwelt on that point as one comparatively little known, and his criticisms had been offered in no unfriendly spirit to the right hon. Gentleman, who, he was sure, had the welfare of the Army at heart.

CAPTAIN NOLAN said, that it was true that about £1,000,000 had been saved in the present Estimates, but it was saved principally because of stores not having been ordered. To have that matter clearly understood, it had been suggested that each year the stock of all the stores in hand should be taken, but he was afraid that would be impossible; because the waste in stores chiefly arose from the fact, that implements of war became obsolete, and for such depreciation in value it would be unfair to make the Department responsible. As to the localization of the Army, it was needless for him to add his tribute of praise to the right hon. Gentleman the Secretary of State for War, for the military skill with which he had handled the question. The scheme appeared to allow of considerable future development. Some, indeed, thought a shorter service system should have been introduced; but the establishment of

local camps was obviously the first essential, and he believed that eventually the defence of the country would rest with men of six or twelve months' training. Public opinion, however, would have to ripen on that point. Turning to the artillery, the branch of the service with which he was best acquainted, the right hon. Gentleman had done something for the officers, by promising to make the captains of batteries majors. Officers of the Line obtained their majorities, on the average, after 18 years' service, and cavalry officers after 14 years' service. Artillery captains would wish to get their majorities in a period between those two terms. On another point—the establishment of the advanced class for the artillery—he did not think the right hon. Gentleman had been quite so successful. It was true that the hon. Member for Hackney (Mr. Holms) had recommended the Government to give up manufacturing altogether; but even in that case officers of technical skill would have to inspect and control the *materiel* supplied. The right hon. Gentleman proposed to do away with, or discourage the employment of, the Artillery Volunteers as field artillery. This seemed to him (Captain Nolan) a mistake, for though the Volunteer artillery could never equal the Regular field artillery without giving up their civil pursuits, that was no good reason for destroying it, as they might form a useful Reserve. How glad would M. Gambetta have been of such a force in the late war. To abolish them was like taking out a tooth, which, though not missed at the time, would be missed when the other teeth dropped out. As an Irish Member, he might be allowed to take exception to the proportion of local centres proposed to be assigned to Ireland. If that proportion were to accord with the number of battalions actually serving in Ireland, it ought to be rather more than a fourth. In recruiting power, the two countries, according to the hon. Member for Hackney, were in the proportion of 22 to 9. That would give Ireland rather less than a third, but more than a fourth, of these local centres. Take it by the population, the population of Ireland was 5,400,000, a little more than a sixth of the United Kingdom. So that whatever way you looked at it, the proportion of local centres that Ireland ought to obtain should vary

from a fourth to a sixth. But the proportion given to Ireland by the scheme of the Government was about a ninth nominally—the actual proportion being really much less, as, according to that scheme, the greater part of the artillery would have their centres in England. Consequently, Ireland got a very much smaller share of these local centres than the rest of the United Kingdom. Such an arrangement would be a real pecuniary loss to Ireland, and he did not hesitate to say that she was entitled in fairness to five or six more of these local centres. The effect that would be produced on foreign countries, also, by thus making a difference between Ireland and the other parts of Great Britain could not but be very unfortunate.

COLONEL GILPIN said, he could not support the Amendment of the hon. Member for Hackney (Mr. Holms). The right hon. Gentleman the Secretary of State for War had always been asked to bring forward a scheme for the re-organization of the Army, and now that he had done so an attempt was made to cripple it. As to that scheme, he would confine his observations to the service to which he belonged. As an old Militia officer, and knowing what the feelings of Militia officers out of the House were, he offered his thanks to the right hon. Gentleman for what he had already done—not in this scheme—for the Militia. The right hon. Gentleman had given to the officers an opportunity of learning their duty, and of becoming fit to go into the Army; and by some little addition to the pay of the officers he had added very much to their comfort. He, however, confessed it was with some regret, and also considerable surprise, that he saw no name of an officer of the Militia service appended to the Report on which the right hon. Gentleman had made this scheme. If his right hon. and gallant Friend the Member for North Lancashire (Colonel Wilson-Patten), who thoroughly understood the Militia service, or some other gentleman in that service, who could have stated the wants and feelings of that service, had been consulted, he believed that course would have been satisfactory, not only to the Militia, but also to the country. He thought the best part of the right hon. Gentleman's plan with reference to the Militia was the abolition of the

billeting system. He had always felt that if we were to have a local force at all, we must not disregard local interests, and he was happy to find that opinion had been expressed by one of the highest personages in the kingdom in a Paper laid on the Table of the House two days ago; but he protested against the complete go-by which the plan gave to the commanding officers of the Militia regiments in favour of the brigadiers of the respective local centres. True, that when the training was over, and the commanding officer and the troops had returned home, the former would still be allowed to imagine that he was in command of the regiment, but in all real respects the power would be taken from him. Now, he believed that, except in regard to the billeting, the present Militia system worked extremely well. The Duke of Wellington, a very short time before his death, had spoken on the Militia Bill, and had told the House of Lords that the men from the Militia who had been sent out to him in his wars had been well-disciplined men, disposed and able to be an honour to their profession and do their country good service. The Militia enabled us to carry on the Crimean War and to put down the Indian Mutiny, and thus rendered great service to the country. It had been said that the scheme of the Government was a tentative scheme, but it must be looked upon as a whole and judged by its results.

SIR WILFRID LAWSON said, he wished, as a civilian Member, to give his opinion on the Estimates and the question now before the House, for it should be remembered that, after all, it was civilians who had to find the money. He knew that anybody who got up now-a-days in that House to speak strongly in favour of economy and retrenchment might be truly said to lead a forlorn hope; but that was all the more reason that they who held that principle should declare the faith that was in them. At the close of the Session of 1870, when Her Majesty's Government thought fit to increase the numbers of our military men, he ventured to oppose that; but there were only seven hon. Members who could be found to vote against that increase. When the great war broke out on the Continent, he thought that was a time when we wanted military men less than at another period, because those who

were engaged in fighting would have less opportunity of attacking us. But that was not the view of the Government or of the House, and he remembered that the First Lord of the Admiralty, in defending the policy of the Government about that time, said that while war was raging in Europe it was our duty to keep our Army and Navy on a war footing. If that doctrine were sound then, when there was no war, surely it was a time for reducing our armaments. He was not going now to use language as strong as that of the right hon. Member for Birmingham (Mr. Bright), who, when a Member of the present Cabinet, said that no Government was deserving the confidence and support of the people of this country which could not carry on the administration in a manner consistent with the dignity and security of the nation for a smaller sum than £70,000,000 a-year. What he wished to do was simply to state, and to endeavour to prove, that we were sufficiently safe without the large number of land forces which the Government called upon the Committee to vote. We had lately seen a great war on the Continent concluded without our having taken any part in it—a novel and delightful thing. We had adopted, as we were told, a policy of non-intervention; more than that, we were informed the first day of the Session, in the Gracious Speech from the Throne, that Her Majesty continued to receive assurances of friendship from all foreign Sovereigns. Well, that being the case, was it not perfectly extraordinary that the Minister for War should come down and ask the House to maintain a larger defensive force than we had ever before kept up in time of peace? He wanted to draw from the Government some explanation why that enormous force was required. We had been told by the Prime Minister that there never was a time when this country was so secure in her naval superiority; we had been told in the House of Lords that an American Commodore had expressed his admiration at the high state of efficiency in which he found our Navy, and the hon. Member for Hastings (Mr. Brassey) had stated that our Navy was superior to the united Navies of the whole world. Well, under these circumstances, down came the right hon. Gentleman (Mr. Cardwell), and asked for more men. Lord Derby made a speech during the

Colonel Gilpin

Recess, in which he said, with his usual sagacity—

"Before you can reasonably make up your minds as to what sort of Army and Navy you are to have, you must first have formed some definite idea as to what you wish or expect them to do."

There was one of those pithy remarks of the Leader of the Opposition which lived in the mind of the country, and which he begged now to quote. The right hon. Gentleman said—"Expenditure depends on policy." Now, he wanted to know what the policy of the Government was which led them to demand these large Estimates and large armaments? He had said that the policy of non-intervention was now generally adopted, but he had some doubts on the subject arising from remarks which had fallen from Members of the Government at different times. In August, 1870, the right hon. Gentleman at the head of the Government spoke of the Army as—

"A force available for the defence of these shores, or for any great European purposes."

Agnin, last year, the same right hon. Gentleman declined to admit—

"That the military establishments of the country should be limited, absolutely and rigidly, to what is required for the defence of its shores; our duties," he added, "extend somewhat beyond the limits of our territories. We may be called upon to perform duties over and above what pertains to the immediate safety of the country."

And the noble Lord the Secretary for Ireland told his constituents towards the close of 1871—

"Our Army is not only to be 'a defensive force to secure us against invasion,' but to be 'a standing Army, well organized, and capable of striking a blow in any part of the world.'"

He hoped the House of Commons would not endorse such a sentiment as that. But speaking of defence, against whom was defence required to be exercised? Against France? The idea was ridiculous. Against Prussia? We had no quarrel with Prussia, and if we had, could be in no danger of invasion from her. When we saw those preparations, so far from having any fear of being invaded ourselves, we ought to ask the Government, who it was that we were going to invade? The Government would probably say we wanted this large force to prevent panics. But panic from its very nature was an unreasonable thing, and on that account, perhaps, the Government might say—"Let us take unreasonable means to allay it." But

we had done that and all sorts of foolish things before, and we had not succeeded. Members knew perfectly well how the fortifications were to make us secure; how the Militia were to make us secure; and as for the Volunteers, they told us day after day at public dinners what great things they were to do. When we got the Volunteers we were informed that our war expenditure would be reduced; but the fact was, when a cry of alarm was got up we ignored everything that had been done. By the course the Government were now taking, they were turning the people from industrial pursuits to military purposes, and making the country look ridiculous in the eyes of the whole world. He wished just to call the attention of the House to what occurred ten years ago. On the 3rd of June, 1862, the following Resolution was moved in this House:—

"That, in the opinion of this House, the National Expenditure is capable of reduction without compromising the safety, the independence, or the legitimate influence of the country."

That Resolution was moved by the right hon. Gentleman the Member for Halifax (Mr. Stansfeld) and seconded by the hon. Member for Montrose (Mr. Baxter); and it was supported by his right hon. Friend the Member for Bradford (Mr. W. E. Forster). His hon. Friend the Member for Montrose declared that we could not go on much longer squeezing £70,000,000 a-year out of the taxpayers of this country; but the hon. Gentleman was sitting there on the Treasury bench, one of the squeezers now. He appealed to his hon. and right hon. Friends to show if they could that the country was in greater danger now than was the case in 1862. In default of that, the Committee ought to oppose armaments so needless, expenditure so extravagant, and a policy so injurious to the real interests of the country.

COLONEL BARTTELOT remarked, that from the hon. Member who had just sat down (Sir Wilfrid Lawson) such a speech as he had delivered was not to be wondered at, seeing that the hon. Member, in July, 1870, led the forlorn hope who, not knowing what might happen to Belgium or on the Continent, voted against an increase of our Army. The hon. Member had dwelt on the absence of disorder; but why, if there was no disorder, did he come down with a Bill which would certainly create it?

With regard to the Motion before the Committee, the hon. Member for Hackney (Mr. Holms) had not made out a substantial case for the reduction he proposed. He appeared disposed to abolish the Militia, unmindful of the services which that force rendered the country in the Peninsula, at Waterloo, and in the Crimea, and which they would be ready to render at any future time. As to imitating the Prussian system, would the hon. Gentleman, as a man of business, compare this country with Prussia? We exported annually £207,000,000 worth of goods, and our Army expenditure was not an excessive insurance for that trade. Surely it was better that our people should be employed in industrial pursuits than that a large number should be drawn for compulsory military service? The hon. Member had been a strong advocate of short enlistments and of passing men into the Reserve; but how could a Reserve be formed if there were no men to be thus passed? As to the abolition of purchase, there was nothing in the scheme of the right hon. Gentleman the Secretary of State for War which could not have been carried out under the purchase system. He hoped the abolition would have the effect which the right hon. Gentleman anticipated, and he was sure it would not deteriorate the character of our officers, who, whether they had entered the Army by purchase or without it, would, he was sure, faithfully perform their duty. He adhered to the opinion he expressed ten days ago, that this was such a scheme as the country had been looking for; that it would find the men when wanted, and that the men would know the duty they had to perform. Some of its details might require improvement; but if the scheme was properly extended it would prove satisfactory to the country, and deserving of the support of the House. He had regretted to hear from the hon. Member for Birmingham (Mr. Muntz) that, under no circumstances, were we to be called upon to send an Army abroad—as, for instance, to Canada. Surely, we were bound in honour to support our colonies as long as we had any, and he was sure the great majority of the House would be ready to defend Canada should the necessity arise? Much depended on the dépôt centre; and he should like to hear from the right hon. Gentleman how the

four extra companies, which were to be formed in case of necessity, were to be officered. As to the recruiting for the Artillery there was naturally more difficulty on account of the size and class of men required than in recruiting for the Line. The hon. Member for Glamorganshire, though an advocate for short enlistments, told him the other day that the men of one or two of the infantry regiments forming part of the procession to St. Paul's were so small he could hardly believe they were British soldiers. It was obviously very important that in each district proper recruits should be obtained expressly for the cavalry and the artillery. At all events, the scheme of the Government ought to have a fair trial. The Secretary for War must not forget the *esprit de corps* of the different regiments, and in linking two together he must take care of their respective susceptibilities, for some of them had peculiarities which must not be ignored. He believed that the scheme of the Government would commend itself to the country generally, and that in the Army both officers and men, if they saw the scheme was for the general good of the whole British service, would cheerfully endeavour to follow out the rules and regulations which from time to time might be laid down for them.

MR. RYLANDS said, that while prepared to vote for the proposed reduction in the number of men, he dissented from almost every portion of the speech in which that reduction was moved, and sympathized rather with the development of the scheme of the Government. The proposed reduction would bring down the number of men to 113,649, compared with 120,790 in 1847-8, the starting point of a valuable Return laid before the House, and the year when Mr. Cobden moved a reduction of the national expenditure by £10,000,000. Since then had occurred a succession of panics, to which allusion had been made, and we had greatly increased our Reserve forces. In 1847-8 there were practically no Reserve or Auxiliary forces at all, for the Yeomanry and disembodied Militia numbered only a few thousand men. We had now 300,000 men; the Volunteers made the total 467,000; and the number liable for service abroad was 146,600. Either our Volunteers and Militia were men on whom no reliance was to be placed, or else the number of

Colonel Barttelot

Regulars considered sufficient in 1847-8 ought to be considered sufficient now. Again, we were very much stronger now than we were then in those branches of the Regular Army which could not be easily extemporized. At that time there were in the Royal Horse Artillery 616 men and 451 horses, compared with 2,995 men and 1,978 horses now; and of cavalry of the Line there were then 7,078 men and 4,978 horses, compared with 11,066 men and 6,656 horses now. The Royal Artillery had been increased from 10,615 men and 590 horses to 19,337 men and 3,828 horses. In supporting the Amendment he desired to reduce, not the artillery or the cavalry, but the infantry of the Line. We now had fewer soldiers in the colonies than we formerly had. In 1847-8 there were 41,266 in the colonies, and now there were 25,000. Therefore, in 1847-8 120,000 men gave 80,000 men for home defence, while now 133,000 men would leave considerably over 100,000 for home defence. The policy of the Government in withdrawing men from the colonies might be carried further, for there were 1,964 in Nova Scotia; and when the Canada Loan Bill was before the House, he understood the right hon. Gentleman at the head of the Government to say that the passing of it would relieve us from the obligation to keep troops in Canada. We had 2,163 soldiers at Bermuda, and a number scattered over the West Indies; and if the Government would only carry out further their policy of concentrating troops at home, we should be justified in further reducing the number of the standing Army. He believed that we might readily reduce our military expenditure by £3,000,000.

SIR HENRY HOARE said, that the whole of the opposition to the proposal of the Government had proceeded from hon. Members sitting near him below the gangway. Now, he had the honour, or dishonour, to sit below the gangway, and he called upon the House not to entertain the Motion for a reduction of the British forces, which maintained the honour of the country. It had been proposed by the hon. Member for Nottingham (Mr. A. Herbert) that the Swiss system should be adopted; but he believed that the Swiss themselves were not content with their military organization; and as for the Prussian system, this country would not stand it for one

minute. He was sorry to see that the hon. Members sitting behind him thought they could not consult the wishes of their constituents without disarming the country and making it ridiculous in the eyes of Europe. Those hon. Members appealed to the weaknesses of their constituents, and cared more for their prejudices and weaknesses than for the honour of the country. He believed that the Government proposal would recommend itself to the sound sense of the nation, and he earnestly hoped that he should be supported on both sides of the House when he begged the right hon. Gentleman the Secretary of State for War not to listen to the rhodomontade of the hon. Gentlemen sitting on the back benches below the gangway.

MAJOR GENERAL SIR PERCY HERBERT supported the proposal of the Government because it provided barracks for the Militia troops during training, created a local connection between the Line regiments and the Militia, and established two-battalion regiments. He, however, thought that with regard to the linking of regiments together more attention might have been given to local circumstances, and he trusted that the right hon. Gentleman the Secretary of State for War would have no objection to make further inquiry on that point. In reference to the officers commanding the dépôt centres, the right hon. Gentleman spoke of them as lieutenant-colonels; but he apprehended that colonels commanding regiments who had served five years would be selected to command these dépôts. The Control department was extending and increasing, but it appeared to him that it was established on a wrong principle; for the Control officers were not Staff officers in the ordinary sense, and they were both administrative and executive officers. He regretted to see that we had not yet made that progress towards a Reserve which was desirable; but he did not wish that should be done at the expense of the Militia. He agreed that it was very desirable to have a larger number of men pass through the Army into the Reserves; but he could not agree that it was desirable to get rid of the Militia before the Reserve had been formed. During the manœuvres last autumn he had the opportunity of conversing with

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some very distinguished foreign officers, who said we ought not to trust to our Militia. He told them we must trust to the Militia, as we could not have a standing Army, as they had, forced by conscription. We were bound to make the best we could of it. He hoped the scheme of the Government, by training them in the winter for three or four months, and by giving them the advantage of soldiers of the Line alongside of them, would be the means of bringing the Militia up to a much higher point of efficiency than they had yet attained; and it was because he thought this would be the result, that he cordially supported the scheme of the right hon. Gentleman.

MR. ANDERSON thought there was a great deal in the scheme of the Government to be approved; but in one point there was a lamentable failure. Economy had been entirely ignored. £3,000,000 were added to the Army Estimates last year, and this year only £1,000,000 of those £3,000,000 had been reduced. Two years ago, under pressure of a panic, the House agreed to a proposal to grant an additional 20,000 men; but it was never intended that the increase should be a permanent one. Notwithstanding this, however, no proposal for a reduction had been made. Another matter which appeared to him to be wanting in the Government proposals was that there was no scheme for the retirement of general officers, and no attempt had been made to do away with the sinecure colonelcies. The country would be led to believe, if this continued, that there was a sinister influence at headquarters which baffled the right hon. Gentleman in his best intentions. They would be led to believe that every position he gained, he gained at the point of the bayonet. [*A laugh.*] Hon. Members might laugh; but matters were constantly coming to light to show that there was some semblance of truth in this belief. Could any hon. Member believe that the right hon. Gentleman would of his own action have gone to the Treasury and asked for a pension for the late Military Secretary, or was it not more probable he was prompted to do so by other influences? The right hon. Gentleman was probably not aware of the way these things lowered him in the eyes of the country. He had that day cut an extract from a newspaper which

spoke of a Royal row with the Treasury, and pointed out that a Royal Duke had endeavoured to get a pension for his Military Secretary by going first to the Prime Minister and then to the Secretary for War; but, fortunately, we had a Chancellor of the Exchequer who was very jealous of the public purse, and it was peremptorily refused. He had reason to suppose the facts stated were true, as he had asked a Question in the House on the subject; and, if so, the country ought to thank the Chancellor of the Exchequer and the hon. Member for Montrose (Mr. Baxter), who assisted him in watching over the public purse, for preventing what would otherwise have been a job. The only claim there was for a pension was that the office had been held for 12 years at a high salary, and the right hon. Gentleman said it should only be held for five years at a very much reduced sum, and had so arranged it in his scheme, thereby committing himself to that opinion. These were the reasons which prevented the right hon. Gentleman's scheme of re-organization from having the entire confidence of the country. He wished to make one other observation. The hon. Member for the Stirling Burghs (Mr. Campbell) said that the Volunteer training was infinitely inferior to that of the Militia. He must express a contrary opinion. He hardly knew any point in which it was inferior, and he did know one in which it was very much superior—namely, the point of using intelligently and skilfully the weapon they were armed with. The Militia were not taught to shoot, and the Volunteers were, and if the hon. Member doubted it, let him turn to the Estimates, and he would see that for the same number of men the cost of ammunition for the Volunteers came to £60,000, and that of the Militia to £7,000.

MR. D. DALRYMPLE supported the scheme. He differed from the hon. Member for Warrington (Mr. Rylands) with regard to Canada. It was short sighted policy to leave Canada to her own resources for her defence.

LORD ELCIIO moved that the Chairman report Progress.

MR. CARDWELL thought it was rather early to report Progress. The Committee, he had no doubt, would hear the noble Lord very patiently.

Major General Sir Percy Herbert

MR. EASTWICK hoped the right hon. Gentleman the Secretary of State for War would consent to report Progress. A great number of hon. Gentlemen were anxious to address the House on the Motion, and, in addition to that, they must anticipate a long statement from the right hon. Gentleman in reply.

Committees report Progress; to sit again upon Wednesday.

GRAND JURY PRESENTMENTS

(IRELAND) BILL.

LEAVE. FIRST READING.

THE MARQUESS OF HARTINGTON, in rising to move for leave to bring in a Bill to amend the Law relating to the Presentment of Public Money by Grand Juries in Ireland, said, the Bill was one of very considerable importance, because it affected the constitution and composition of the Governing Bodies which controlled a very large amount of the taxation of Ireland. The local taxation managed by grand juries amounted to £1,180,000, being 40 per cent of the whole local taxation of the country, and a very much larger item than was controlled by any other local body in Ireland. The grand jury laws of Ireland contained some very great anomalies; but, at the same time, they recognized, although imperfectly, a principle which the reformers of county administration in England would be glad to see recognized here even to the same extent. That principle was the principle of the representation of the ratepayers. In England, whereas the county finances were managed entirely by the Quarter Sessions, consisting exclusively of magistrates, in Ireland, on the contrary, they were managed by bodies called baronial presentment sessions and by county at large presentment sessions, in both of which the ratepayers were represented, although in an unsatisfactory manner. The defect alleged in the composition of those bodies was, that the associated cess payers, instead of being a true representation of the ratepayers, were selected by the grand jurors, and also that, on account of the great uncertainty whether they would be called on to serve after they were selected, they did not attend at the baronial sessions. The defect alleged in the composition of the grand juries was

that, being entirely nominated by the High Sheriff, and his obligation being discharged by calling one grand juror from each barony, there was no real representation of the whole county, and the grand jury might be, and often was, an extremely partial and imperfect representation of the interests of property in the whole county. This Bill proposed, in regard to county and baronial sessions, to substitute election by the ratepayers for the present system of selection by the grand jury. It had been suggested that, instead of the baronies, the Poor Law Unions should be taken as the area of administration, and no doubt there would be great convenience in that; but, unfortunately, in Ireland, as in England, the unions were not coterminous with the boundaries of the counties, and to alter them so as to make them so would in many instances destroy their suitability for the original purpose for which they were intended. The Bill would next describe the mode in which the elections were to be conducted; and the mode would be similar to that pursued with elections of the Poor Law Guardians. With regard to the powers to be given to the grand jury, the principal changes related to the constitution of that body. The selection would be left to the High Sheriff, and as the property qualification would be fixed, it would be incumbent upon the officers to summon and to secure the attendance of grand jurymen from each barony. Whatever might be the wish of the High Sheriff, it would be impossible for the grand jury to represent merely one portion of the county, as the representation would be of the entire county. The Bill, however, would not deal with county officers, nor would it, in accordance with the recommendation of the Committee of 1868, consolidate the grand jury laws, because it was deemed imprudent to combine a consolidation of the law with the initiation of changes such as those proposed in the Bill. He, however, proposed supplementing these changes at some future time by a Bill for consolidating the law, for which the present Bill would, perhaps, clear the way. If the House granted the leave now asked for, the discussion might be taken on the Bill when it was brought up for a second reading.

LORD CLAUD HAMILTON regretted that the Bill had been introduced after midnight, and at a time when it was at least assumed by general consent no fresh business would be brought forward; and he regretted this the more as many hon. Members, believong faith would be kept with them in that respect, had left the House. He would not, however, oppose the introduction of the Bill. With regard to representation he thought that the noble Lord was somewhat mistaken, and that he would experience great difficulty in getting persons to comply with the provisions of the Bill, so far as it affected their attendance at the county towns. Without going into the general schema of the noble Lord, he might say that he did not see much objection to it, although he could not express an opinion as to the further changes which had been indicated. The noble Lord was in error in supposing that the sheriff had an absolute right to nominate the grand jury, irrespective of the position and social influence of gentlemen connected with the county. As more than half the juries had already dissolved, and as it was important they should have an opportunity of expressing an opinion on the Bill, he hoped ample time would be given for the discussion of the subject during the next assizes.

MR. SYNAN was of opinion that the noble Lord had mistaken the constitution of the grand jury, and must say he was a little disappointed that the Bill did not carry out the Report of the Select Committee of 1868, which he believed recommended a satisfactory settlement of this subject. The Bill, however, though not satisfactory, in that it fell short of the object proposed, he regarded as a step in the right direction.

MR. BRUEN expressed a hope that the second reading would be fixed for a time when the opinions of the grand juries could be collected upon the measure.

THE MARQUESS OF HARTINGTON said, he was most anxious to give as much time as possible for the consideration of the Bill, and hoped some of the grand juries would still be able to discuss it; but he could not assent to the suggestion that he should postpone the second reading until after the next assizes, because that would prevent the passing of the Bill this year. He would,

however, not take the second reading until an early day after Easter.

Motion agreed to.

Bill to amend the Law relating to the Presentment of Public Money by Grand Juries in Ireland, ordered to be brought in by The Marquess of HARTINGTON and Mr. ATTORNEY GENERAL for IRELAND.

Bill presented, and read the first time. [Bill 73.]

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, 5th March, 1872.

MINUTES.]—PUBLIC BILLS—First Reading—Poor Law Loans* (38).

Second Reading—Irish Church Act Amendment (27); Public Parks (Ireland)* (30).

IRISH CHURCH ACT AMENDMENT BILL.

(The Earl of Dufferin.)
(No. 27). SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF DUFFERIN, in moving that the Bill be now read the second time, said, that by the Irish Church Act a Commission, entitled the Irish Church Temporalities Commission, was constituted for the purpose of carrying out the provisions of the Act so far as its property was concerned, and of examining and determining various claims that might be preferred against the Fund of the Irish Church. The Commission was to consist of three Members, who were named in the Act—namely, Viscount Monck, the right hon. Justice Lawson, and George Alexander Hamilton, Esq. Last year Mr. Hamilton died, and experience led Her Majesty's Government to believe that the objects of the Act would in all probability be better accomplished by not appointing a successor to that Commissioner. It was proposed, therefore, by the Bill now before their Lordships, that the Commission should in future be composed of two Commissioners only; but that whereas the original Act empowered any person aggrieved to require his case to be re-heard by the three Commissioners, the future Court of Appeal should consist of the two continued Commissioners, and any Member of the Irish Privy Council who may hold or

may have held any judicial office, to be appointed by the Lord Lieutenant. He believed the proposed arrangement had the approval of those most interested in the duties discharged by the Commission. He could not sit down without availing himself of the present opportunity of endorsing the eulogium passed upon the late Mr. Hamilton by the Master of the Rolls on a recent occasion, with so much eloquence and truth. There were few men by whose death Ireland would sustain a greater loss than she had sustained by that of Mr. Hamilton. He was a loss not only to Ireland, but to the country at large. His services, while he filled the office of Permanent Secretary to the Treasury, were such that testimony had been borne to them both by those who knew him as a colleague and those outside the Government who had any business at the Treasury. He was equally successful as a Commissioner of the Irish Church. When the Irish Church Bill was before Parliament Mr. Gladstone offered one of the Commissionerships to Mr. Hamilton, who told the First Minister that he was altogether opposed to his legislation in reference to the Irish Church, out of which the necessity for an Irish Church Commission was to arise. Subsequently, Mr. Gladstone told the House of Commons he could not give stronger proof of his anxiety that the business of the Commission should be conscientiously discharged than was afforded by the appointment of Mr. Hamilton. The confidence reposed in Mr. Hamilton had been amply justified by the manner in which he had discharged his duties.

Moved, "That the Bill be now read 2^o."
—(The Earl of Dufferin.)

THE EARL OF LONGFORD said, he entirely agreed with every word the noble Earl (the Earl of Dufferin) had said in reference to the late Mr. Hamilton. When the noble Earl answered a Question which he put to him on this subject about a month ago, the noble Earl conveyed to his mind the impression that the only thing contemplated was simply the abolition of the office of one of the Commissioners, and the vesting of the functions of the whole Commission in the other two. He was aware that such an arrangement would be so unsatisfactory to those interested in the arrangements of the Irish Church that

he gave Notice of his intention to oppose the Bill. Since then he had received a number of communications, which showed him that he had not misinterpreted the feelings of that numerous body. Only last evening he presented a Petition from the Incorporated Society of the Irish Attorneys and Solicitors, complaining of the grievance suffered by themselves and their clients in consequence of the vacancy in the Commission; their complaints related not only to the want of a full Court of Appeal, but also to the delay in the business of the Office. As, however, provision was to be made in the Bill for a more satisfactory appellate tribunal, and as he understood this arrangement was accepted by the Irish Church Body, he would offer no formal opposition to the Bill. In taking this course, he was yielding to their opinion rather than acting on his own. For himself, he did not think good reason had been shown for changing a material condition of an Act, on the careful preparation of which it had been stated that so much time had been spent that other important measures were postponed. He had not a word to say against the manner in which the existing Commissioners discharged their duty, which was the complicated and difficult office of dealing with a great variety of personal claims; but the business of the Commission was said to be in arrear, and more power — either more Commissioners or more clerks — was certainly required. This being so, he thought that the arrangement for calling in the occasional assistance of a Member of the Judicial Committee of the Privy Council on appeals ought to be supplementary to, and not a substitute for, the system of having three Commissioners, as provided in the existing Act. As the Irish Church Act was under consideration, he ventured to suggest, in reference to the redemption of tithe-rent-charge, that the terms laid down in the 32nd clause were too high, and the conditions of redemption so complicated, that proprietors were rather repelled from than encouraged to deal with the subject. There were also some cases of hardship with which the Commissioners found difficulty — such, in particular, as the restoration of the Cathedral at Cork, which had been in progress for several years; but the Chapter Economy Fund,

which had been allotted for the expenses, had passed into other hands, and the result was liability and embarrassment to individuals who could ill afford to bear it. There was no desire on the part of those responsible for the administration of the Irish Church Act that it should press unduly anywhere—quite the contrary; therefore, he trusted that if the Commissioners found their powers insufficient, the Government would not hesitate to assist them by amending the law, if necessary.

VISCOUNT MONCK said, that being one of the Irish Church Temporalities Commissioners, he desired to explain to their Lordships what their duties had been, and what they had done. The Irish Church Act empowered the clergy and other annuitants paid out of Church property to commute their incomes from the 1st January 1871. Accordingly, when the property of the Irish Church came into the hands of the Commissioners, it became their first duty to conduct these commutations. That duty occupied the Commissioners during the first year of their existence, and for four or five months afterwards. When this was completed, all the property of the Irish Church became vested in Trustees. The Commissioners were called upon to commute annuities and also life interests in glebes and Church lands. The commutation of annuities was a comparatively easy task—the commutation of life interests in Church lands was very different, because it involved a very large amount of inquiry. He did not think, however, that the progress made by the Commissioners had been slow, or that the arrears were at all considerable. Since the Commissioners came into office there had been 5,231 applications for commutations, of which 3,483 had been finally disposed of. Considering that until the 1st of January, 1871, they could not commute a single annuity except the annuities of the Presbyterian clergymen, he did not think that was bad work.

THE EARL OF COURTOWN, as a member of the Representative Body of the Irish Church, must say he could not concur in all that had been said by the noble Earl (the Earl of Longford); but there was a serious amount of work to be transacted by the Commissioners, and he thought that, perhaps, employment might be found for a greater number of clerks.

The Earl of Longford

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House on Thursday next.

NEW PUBLIC OFFICES.—QUESTIONS.

LORD REDESDALE asked Her Majesty's Government, When the public offices now building in Downing Street are to be completed for occupation: When the houses between them and Parliament Street are to be pulled down: Whether it is intended to widen the rest of Parliament Street in like manner, and, if so, when; and whether other public offices are to be erected on that frontage? The noble Lord said, that obviously a great improvement might be effected by the pulling down of the houses referred to in his second Question:—besides, as long as they stood they would be a source of danger from fire to the new Public Offices. To widen the rest of Parliament Street down to George Street would be a very great convenience to the public; but it would require the purchase of the whole block of buildings between Parliament Street and King Street. If it were intended to erect other public buildings on that frontage, it was very desirable, in an economical point of view, that the Government should purchase the property as soon as possible. Many of the houses were now old; but the property in that neighbourhood was sure to become more expensive. He hoped, therefore, the answer would not be that nothing had been done, or was about to be done, on this subject.

THE MARQUESS OF LANSDOWNE replied that the Public Offices in Downing Street would probably be completed and ready for occupation about the spring of the year. The houses between them and Parliament Street would not, for obvious reasons, be pulled down until the Offices were nearly completed. Three of those houses were in occupation as Public Offices, and were thus serving a valuable purpose; and the remaining houses, which had been for some time in the hands of the Crown, were paying rent, which need not be forfeited until a necessity for relinquishing it arose. And further, the row of houses formed an effectual screen behind which the noisy and unsightly building operations were concealed—so that the public gained an advantage by its retention. The Go-

vernment had no intention at present of widening the rest of Parliament Street. The noble Lord's Question seemed to point to a plan at one time under the consideration of the Government, which contemplated the erection of all the Public Offices within a block bounded by Downing Street, Parliament Street, King Street, and George Street. That scheme was abandoned, mainly owing to the necessity for placing the new War Office in close proximity with the Horse Guards. The present intention was that the new War Office and the new Admiralty should be placed in Whitehall—the War Office to be at a convenient distance from the Horse Guards. That would be a step in the direction of that concentration which the noble Lord advocated. No doubt the projecting portion of building between King Street and Parliament Street was unsightly; but it would be impossible to ask the country to incur great expense in order to acquire the land between King Street and Parliament Street, unless it was absolutely necessary to construct public buildings upon it, or to use it for some other public purpose. If the demolition of the buildings in question was requisite to give larger space for the immense traffic of Parliament Street, the acquisition and demolition of the property would properly be carried out by the Metropolitan Board of Works, and not by a Government Department.

LORD REDESDALE thought it a great misfortune that the Government had not the courage to ask for money to enable them to acquire the site to which he had referred, for the arrangement would be economical. Buildings more conveniently situated with regard to the Horse Guards could not be found than those now used for the Home Office and the adjoining Offices. Instead of pulling down the Horse Guards or the Admiralty in order to put up something new, it would be better to use the buildings already erected.

House adjourned at a quarter before Six o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 5th March, 1872.

MINUTES.]—Public Bills—Ordered—First Reading—Railways (Ireland)* [77]; Sale of Liquors on Sunday* [78]; Oyster and Mussel Fisheries Supplemental* [76]. Committee—Report—Deans and Canons Resignation* [23-74]. Considered as amended—Reformatory and Industrial Schools* [25-76].

FRANCE—THE FRENCH NAVIGATION ACT.—QUESTION.

MR. GRAVES asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government consider the Duties imposed under the recent French Navigation Act to be Customs Duties, and as such if British Shipping is not entitled to be placed on the "most favoured nation" footing under the Commercial Treaty of 1860?

VISCOUNT ENFIELD: Sir, both before the passing of the new French law respecting differential duties to be imposed on merchant shipping, and subsequently to its passing, Her Majesty's Government have addressed through Lord Lyons communications to the French Government, and have based their representations in behalf of this country not only on the verbal construction of the Treaty and second supplementary Convention of 1860, but on general grounds, and have asked for an early reply, as the matter is one of pressing moment to the mercantile interests of this country.

CONVICT PRISON AT DENMARK HILL.

QUESTION.

MR. M'ARTHUR asked the Secretary of State for the Home Department, Whether it is still the intention of the Government to erect the proposed Convict Prison in the neighbourhood of Denmark Hill and Herne Hill?

MR. BRUCE replied that representations had been made to the Government by the inhabitants of the district, and they had determined to relinquish their intention of erecting a prison on that site.

ARMY—RIFLED GUNS.—QUESTION.

SIR JOHN HAY asked the Surveyor General of Ordnance, If he will lay upon

the Table of the House a Return of Rifled Guns (in continuation of Parliamentary Paper, No. 177, of Session 1871)?

SIR HENRY STORKS said a Return of rifled guns was in preparation, and, when, ready, would be laid on the Table, if the hon. and gallant Member would move for it.

NAVY—TRIALS OF WELSH AND MIXED COALS.—QUESTION.

MR. HUSSEY VIVIAN asked the First Lord of the Admiralty, Whether he can state shortly the result of the recent trials of Mixed Coal as compared with Welsh smokeless Coal; and, whether it is the intention of the Admiralty to return to the use of Welsh smokeless Coal for the use of Her Majesty's ships?

MR. GOSCILLEN: Sir, I must demur to the use of the word "smokeless" as applied to Welsh coal, for it does generate under some circumstances a certain amount of smoke. In the short time allowed for answering a Question, I cannot give the full results of the interesting experiments which have been made; but Papers on the subject will shortly be in the hands of hon. Members. Experiments have been made during the late season with the Indian troopships *Serapis*, *Crocodile*, and *Euphrates*. They have been run against each other, some with mixed and others with Welsh coal, and the results are very remarkable. There has been a great saving, both in mixed and Welsh coals, as compared with any previous averages, thus showing that great care taken in these competitive trials has produced economy in both kinds. The aggregate consumption of Welsh coal on these three ships in the experimental voyage out and home was 3,348 tons in 2,184 hours, as compared with 3,724 tons of mixed coal in 2,052 hours, showing a difference of 376 tons in favour of Welsh coal, and of 132 hours in favour of mixed coal. The difference was thus not very great in either case; but the aggregate amount of coal used in these voyages showed a saving of 2,000 tons over the average of the previous voyages of these ships since 1867. As to the intention of the Admiralty, it has been shown that there is economy in the Welsh coal where it is practicable to use it perfectly fresh; but mixed coal

Sir John Hay

answers best in hot climates, as it keeps better than Welsh. Accordingly, all ships starting from Portsmouth and Plymouth will in future be supplied with Welsh coal only, and the same course will be taken as regards Gibraltar; the dépôt there will be supplied with Welsh coal only. The dépôt at Malta will be supplied with two-thirds of Welsh coal and one-third of North-country coal. At Port Said, Bombay, and other district stations the present proportion of half Welsh and half North-country coal will be maintained.

NAVY—NAVAL GUNS.—QUESTION.

SIR JAMES ELPHINSTONE asked the First Lord of the Admiralty, What is the largest calibre of gun carried in the tender of Her Majesty's ship "Excellent;" and, when guns of the largest size now in use in Her Majesty's Service will be supplied that Naval Officers may have the advantage of learning the management of 32-ton guns and the mechanical carriages on which they are mounted, while they are on board that ship pursuing the course of study in gunnery which is required of them as qualification for active employment?

MR. GOSCILLEN said, in reply, that the gun of largest calibre carried in the tender of Her Majesty's ship *Excellent* was a gun of 9-inch calibre, and 12 tons weight. At present there were only two guns of 35 tons weight in the possession of the Admiralty, one of them being the defective gun recently noticed in the newspapers. Four of these guns were being supplied for each of the ships *Devastation*, *Thunderer*, and *Fury*. The general heavy gun was the 12-ton gun. There were some 18 and 25-ton guns, and, when ships with such guns were at Portsmouth, the officers and men studying gunnery were sent on board to learn the management of them. The *Excellent* itself would not be able to carry 18 or 25-ton guns; but officers and men had thus the advantage of becoming acquainted with heavy guns in other ships.

GAME LAW COMMITTEE.—QUESTION.

MR. CARNEGIE asked the Secretary of State for the Home Department, considering the pledge given by the Government last Session on the subject of an inquiry into the Game Laws, he will undertake, on behalf of the Government,

the nomination of the Committee ordered by the House to be appointed on the subject?

MR. BRUCE said, in reply, that up to the debate on the Bill of the hon. Member for Bury St. Edmunds (Mr. Hardecastle), he had expected that the House would concur in referring the Bills on the subject to a Select Committee, instead of having a Committee on the general subject. The House, however, having preferred the latter course, he should be happy, on the part of the Government, to undertake the nomination of the Committee.

ILLNESS OF H.R.H. THE PRINCE OF WALES.—HER MAJESTY'S LETTER.

QUESTION.

MR. KENNAWAY asked the First Lord of the Treasury, Whether he will take measures of the same character to acquaint the people of this metropolis and the country generally with the gracious letter of Her Majesty written to himself on Thursday last, as were adopted for the information of the people during the illness of His Royal Highness the Prince of Wales?

MR. GLADSTONE: Sir, I have made inquiry, but I have not been able to find that the announcements made during the illness of His Royal Highness the Prince of Wales, by affixing telegrams at certain points, were measures taken by the Government. At Marlborough House such telegrams were put up; but I do not know that it was done by any authority of the Government. As to the general question, independently of the question by whom it was done, I need hardly point out that these telegrams were put up from hour to hour almost for the purpose of anticipating the intelligence of the newspapers, for which, at such a time, it was, of course, not desirable to wait. They were not used as means of record, but simply in anticipation of the public journals, and I cannot arrive at the opinion that any advantage would be gained in a case of this kind, where the public journals have already so widely disseminated the letter of Her Majesty.

METROPOLIS — SCIENCE AND ART MUSEUM (EAST LONDON.)—QUESTION.

LORD GEORGE HAMILTON asked Mr. Chancellor of the Exchequer, with reference to the Fourteenth Report of

the Science and Art Department, Appendix A, page 16, If he has any objection to lay upon the Table of the House the Letter of the Vice President of the Committee of Council on Education of the 7th December 1866, transmitting a Minute of the Council on Education, recommending the establishment of a Museum of Art and Science on a free site at Bethnal Green, addressed to the Treasury, and assented to by the Lords of the Treasury in a letter signed by the Secretary of the Treasury December 22nd 1866?

THE CHANCELLOR OF THE EXCHEQUER said, he had no objection to produce the letter.

MASTER AND SERVANT WAGES BILL.

QUESTION.

MR. GATHORNE HARDY asked the Secretary of State for the Home Department, Whether he has any objection to referring this Bill to a Select Committee?

MR. BRUCE said, considering the importance of the Bill, and the interest taken in it both by employers and employed, he concurred in the advisability of referring it to a Select Committee.

ARMY BILL.—QUESTION.

MAJOR ARBUTHNOT asked the Secretary of State for War, Whether he will not fix another day than Friday for the consideration of the first Vote on the Army Estimates, as Notice had been given of five Motions for that day, one of which would occupy a considerable time?

MR. ELCHO said, one of the reasons for making a change with reference to the Motion for going into Supply was that there should be certainty with reference to Supply so far as concerned the Army, Navy, and Miscellaneous Estimates. In addition to the five Resolutions referred to by his hon. and gallant Friend, the Resolutions of the Chairman of Committee of Ways and Means were put down for Friday. The discussions of the last-mentioned Resolutions would probably occupy a very long time. And, besides, there were two other Motions for Friday. He hoped the right hon. Gentleman would consider whether he could not name a day when the Army Estimates would come on with certainty.

MR. GLADSTONE said, the rule to which the noble Lord referred could not

be applied in full force to the case of an adjourned debate. It was the duty of the Government to endeavour to find a convenient time for the purpose of closing the debate on the Army Estimates, and they would make the best arrangements they could.

Mr. DISRAELI said, he was going to appeal to the Chairman of the Committee of Ways and Means to give the House a little more time for considering the very important Resolutions he had placed on the Table, and if he would consent to do so, then the adjourned debate would take its course.

Mr. GLADSTONE said, he would communicate with the Chairman of the Committee of Ways and Means in the course of the evening.

COLONEL LOYD LINDSAY asked, Whether an opportunity would be given to the House to discuss the Report of the Commander-in-Chief on the Autumn Manœuvres?

Mr. CARDWELL said, it was not his intention to forward any Motion on the Report, or take any steps with reference to it; but he presumed that anyone who wished to make remarks on it would have an opportunity of doing so.

ELEMENTARY EDUCATION ACT. RESOLUTIONS.

Mr. DIXON rose to move the following Resolutions:—

"That, in the opinion of this House, the provisions of the Elementary Education Act are defective, and its working unsatisfactory; and particularly that it fails to secure the general election of School Boards in towns and rural districts; that it does not render obligatory the attendance of children at school; that it deals in a partial and irregular manner with the remission and payment of school fees by School Boards; that it allows School Boards to pay fees out of rates levied upon the community, to denominational schools, over which the ratepayers have no control; that it permits School Boards to use the money of the ratepayers for the purpose of imparting dogmatic religious instruction in schools established by School Boards; that by the concession of these permissive powers it provokes religious discord throughout the country; and by the exercise of them it violates the rights of conscience."

The hon. Gentleman said, he believed he was right in supposing that it was the wish of the various parties who took an interest in this question that they should come to a division that night, and as the subject embraced almost the whole field of elementary education,

Mr. Gladstone

he had made an arrangement with the hon. Member for Merthyr Tydvil (Mr. Richard), who was to second the Motion, that he, as a Nonconformist, should address himself especially to that part of the question which involved what had been termed the religious difficulty. The hon. Member for Huddersfield (Mr. Leatham) would particularly explain the manner in which the 25th clause had been felt to be a grievance, and he himself would apply his attention to the educational side of the question. These arrangements would prevent unnecessary repetition, and save the time of the House. There were at present in the country two systems of education—the national system, which was based upon rates and upon representative management; and the denominational system, which was based upon private subscriptions and what he ventured to call irresponsible management. His object would be to try and persuade the House that the former of these systems was the preferable one, and that the operation of the Act of 1870 had been disadvantageous in developing and strengthening the latter—that was, the denominational system. If he had at various times denounced the large building grants that had arisen out of the period of grace, the increase of nearly 50 per cent in the annual grants to public elementary schools, and the payment of fees to denominational schools, it had not been because he considered that those measures affected the question of religious equality alone, but because, in his opinion, they had materially impeded the progress of education. He was fortified in that opinion by the remarks made in 1870 by the Vice President of the Council, when introducing his measure, for the right hon. Gentleman then said—

"The education of the people's children by the people's officers in their local assemblies, controlled by the people's representatives in Parliament, was the principle upon which the Bill was based."—[*3 Hansard*, excix, 405.]

Again, on the second reading of his Bill, his right hon. Friend said—

"He was glad to hear the Member for Birmingham express his belief that, under the provisions of the Bill, school boards would quickly become universal and compulsory attendance would be generally insisted upon, because that was the intention of the measure.—[*Ibid.* 1981.] The Bill, however, was subsequently very materially altered, and the hopes

of the right hon. Gentleman had not been fulfilled. The purport of the first two paragraphs in his Resolution was to declare that the working of the Act of 1870 had been unsatisfactory, because these hopes of his right hon. Friend had not been fulfilled; because they had not yet secured school boards and compulsion in all parts of the country. Perhaps it would be too much to say that the right hon. Gentleman had become the Minister of Education of the Conservative party; but it was certainly true that the manner in which he had viewed the operation of his own Act, and the manner in which he had influenced its operation, had been almost universally the subject of congratulation with hon. Members opposite. Only a few days ago, in reply to a Question from him (Mr. Dixon), the right hon. Gentleman stated that the amount of building grants arising out of the period of grace would, in all probability, reach the large sum of £400,000. Although the Question to which he was replying was then answered, the right hon. Gentleman could not resist the temptation of adding that the meaning of that fact was that there would be £2,000,000 of rates saved to the rate-payers. That was considered a subject of great congratulation; but let him (Mr. Dixon) point out what were the sacrifices involved in that great saving. There would be accommodation provided by the £2,000,000 for 400,000 scholars, and a very large number of the children so provided for would be in school districts where there would be no school boards, for the very fact of those grants having been made by the Government would prevent the formation of school boards in many districts where otherwise there would have been an absolute certainty that school boards would be formed. Those children could not have the inestimable advantage of the system of compulsory attendance, and the parents of every one of them, whether they were in school board districts or not, would be deprived of the opportunity of being able to take a part in the management of schools to which their children went. The fact was that the £2,000,000 alleged to be thus saved went to the formation of vested interests. And these vested interests would rise up to prevent the alteration and modification of the Act of 1870. They would hereafter be told, when they wished to estab-

lish school boards, that they had entered into a kind of compromise with the gentlemen who had subscribed their £1,600,000, and that by virtue of the compromise they were debarred from interfering with their rights as managers of denominational schools. He repudiated the word compromise—there had been no such compromise; they had simply been out-voted. They would be out-voted that day, and again to-morrow; but the time would come when victory would be on their side, and then he warned the House that all the cobwebs of compromise would be swept away. The denominational system was inferior to the national system. Under the denominational system there was intrusted to irresponsible managers the spending of large sums of public money. If all the children of the working classes attended the elementary schools they would have 4,000,000 children in the three kingdoms at school, at a cost of 15s. per head, the maximum fixed by the Act. They would have to pay something like £3,000,000 in annual grants for the support of the schools. The fees paid by parents would amount in all probability to £2,000,000, making together £5,000,000 at least that would be spent in the maintenance of our elementary schools—the greater portion of which, so far as they could see at present, would be denominational schools, under irresponsible management. It would be impossible that the system could be continued, because the people would demand that they should have the right of controlling the expenditure of their own money, especially when the money so spent was spent on a matter in which every man had, or ought to have, a special interest—that of the education of his children. They would be told that the present system of payment by results was a sufficient control over that expenditure; but this was an illusion, because a great part of the money paid by the Government was paid for mere attendances, which, in the majority of cases, were without any result at all. It was in order that satisfactory results should be achieved that he asked that the control of this enormous expenditure should be placed, where alone it ought to rest, in the hands of the representatives of the parents and taxpayers. They acknowledged by the Act of 1870 that it was the duty of the Government to see that

secular education should be given to the people; but that duty was being evaded by relegating the performance of that which ought to be our highest duty to the irresponsible management of the clergy and the representatives of the various sects; and if that duty were not performed—as he held it was not properly performed—by them, upon Parliament must rest the responsibility when they refused to place it in the hands of those in whom the control ought to rest. Another reason why the denominational system was defective arose from the feeling of great and general dissatisfaction on the part of the school teachers. It was most essential that the instructors of our youth should be satisfied with their position, but it was not the case. They were tongue-tied, and they dare not speak. He had received letters from many of them without signature, the writers stating that if they gave their names they would be subjected to the criticism of the clergy and their patrons, and, it might be, to dismissal. In the large towns they were more independent. A union had been formed by some thousands of them, and a deputation from the central branches waited upon him a few months since, when they told him all that was in their minds. There were two main divisions of complaint—one was that they were not sufficiently well paid; the next being that they were called the servants of the clergy, and, as one of them said, amidst the applause of the 30 or 40 who were present, that they were anything between a gravedigger and a parson. He did not impute to the managers a desire to reduce the means of the school teachers so long as they had money with which to pay them; but they had not got it, and therefore they could not adequately remunerate the teachers. He now came to the third reason why the denominational system had proved unsatisfactory. They trusted to irresponsible managers too large a sum of public money; but large as it was, it was totally insufficient for the purpose they had in view, and although the national grants had been increased 50 per cent, a small percentage only of that advance went towards making the school system what it ought to be. There was every reason to believe that a great part of the increase of the annual grants would be required to fill up the gap made by the falling off of

private subscriptions, whilst a still larger proportion of those increased grants would be absorbed in raising inferior schools to the level of those now aided by the State; very little of these additional subsidies would be expended in raising the standard of education above that now existing in our Government-inspected schools. The school buildings were inadequate for the requirements. There was only one room where there ought to be several, and the buildings themselves were of an inferior character; besides which they were obliged to have recourse to pupil teachers. He had seen in the streets one child carry another bigger than itself, and the practice of pupil teachers was the same thing, for they saw children leave their classes to teach others before they were prepared for the task that was placed upon them. It was a system resorted to, not because pupil teachers were able to perform their work, but because the school funds were inadequate to provide adult teachers. Until they placed the masters in a position of greater honour and independence, and increased their emoluments, it was useless to expect to attract to that profession in sufficient numbers men adequately qualified. The Report of the Committee of Council in 1869 stated that of four-fifths of the scholars about to leave the schools no satisfactory account was given in examinations of a strictly elementary character. That referred to the children in the best schools, and if that were the condition of four-fifths of the children when they left the Government schools, what was the condition of the remaining one-fifth who had passed the examinations? The highest standard at that time was the sixth, but very few passed it, and it was considered satisfactory if the fourth standard were passed. The sixth standard was merely reading and writing a short paragraph out of a newspaper, and arithmetic up to Practice—a result so slight that in some cases it was altogether effaced in after-life. But assuming it was satisfactory, he would point out that if it were really the case that only one-fifth received the education he had stated, then that education was given at a cost of £7 per head; for it was fair to exclude from the account those children who could not pass so slight an examination. Let them compare our system and its results with that

Mr. Dixon

which was so common in Germany, Switzerland, Denmark, and other places. They were not content with so low a standard as we were in this country; besides giving the children a more complete knowledge of the three "R's" than was secured here, they instructed them in drill, drawing, grammar, history, geography, mathematics, elementary science, and modern languages; and the instruction was given in such a manner that it was retained in after-life. Let them compare one of the best schools in Birmingham—one that had been complimented by the Inspectors—a school for well-to-do artizans, with one in Hamburg which was maintained for those who were too poor to pay for their children's education. In Birmingham they had one large room, where there was always noise, and frequently disorder, going on, and one small class-room. In Hamburg each class had a separate room, and it never contained more than 50 children. In Birmingham there was one certificated master and seven pupil teachers. In Hamburg every class had a highly-trained certificated teacher, who had passed three years in a training college. In the highest class in the Birmingham school, out of 25 hours of secular instruction each week, only 6 hours were given to the higher subjects, 19 being given to the three "R's;" whereas in Hamburg no less than 18 hours were given to the higher subjects and only 7 hours to the three "R's." He would ask the House how England was to maintain her supremacy if she had to come into competition with countries thus educated. In the art of war France, the greatest military Power, had had to succumb; and let us take care lest in the arts of peace England, who had thought herself as superior in them as France was supposed to be in war, should not have also to succumb to Germany. As a commercial man, he knew enough to be able to say there were signs of that in the air, and he could give many instances showing that Germany was rapidly gaining ground upon us. The right hon. Gentleman said by his Amendment there was no advantage to be gained in reviewing the Act of 1870—that the time had not yet come for doing so, but that they must wait. But were they to wait until vested interests had been so increased—until denominational schools had been so ex-

tended and strengthened as to make opposition to the denominational system more difficult? The greatest merit of the Act of 1870 was that it made provision for the erection of schools everywhere, and where school boards existed, it gave to those boards power to force attendance. All he asked was that that power should be extended to every part of the country. It was feared at the time the Act was passed that compulsory attendance at school would not be accepted by the working classes; but it had been accepted, and in places where it was anticipated that the danger of enforcing it would be greatest. The question was, whether that salutary power should not be extended to the remote agricultural districts? The experience of the Act was in favour of so doing. If not, on what ground had the Government come forward with an Education Bill for Scotland, establishing school boards and compulsory attendance in every part of that country? If it was admitted that it was desirable for Scotland, why should it not be adopted in England? The real answer was, that it was not liked by the Opposition—that they were not prepared for it, and therefore that they would vote against it. It, however, should be known that it was not the National Education League, but the Conservatives and the clergy of the Church of England who stopped the progress of national education. A school Inspector and a clergyman of the Church of England said "that in many agricultural districts they disliked the idea of school boards—that the tenant-farmers objected to the removal of juvenile labourers from their fields, and that the parochial clergy could not bear any interference with their assumed rights." Wherever the Church of England was the strongest—namely, in the agricultural districts and small towns, where it had almost undisputed sway—there were no school boards; but wherever the Church of England was the weakest—namely, in the large towns—school boards were almost universal. He would give some reasons for the resistance to school boards. The first reason was an objection to the increase of rates. He could understand that objection on the part of the farmers, for he believed they were the men who felt the pressure of rates the most. He would only say to them—"If you want to have efficient

labour, you must have educated labour." But as regarded the landlords it was a different matter. He assumed that the landlords were the most intelligent and enlightened portion of the community, and most anxious to promote the interests of all around them, especially in the education of the people. Why, then, should they not promote the formation of school boards? He hoped the time was at hand when they would see that it was to their interest to do so; at any rate, he trusted that this question of cost would not be used as an argument, because, surely, the richest aristocracy in the world ought not to object to the greatest good which could be conferred on the people merely on the ground of expense. Many said that they did not object to the cost, but that they objected to the inequality of the rates. That inequality, however, existed more in the towns than in the country. The working classes paid higher rates in proportion to their income, and yet in towns this rating system had been accepted. Why, then, should it be rejected in the country? If it was because the rates were unequal, then remove that inequality, and he would be happy to assist in its removal. But, in the meantime, they ought not to let this temporary injustice stand in the way of a great good to the working classes. Many persons thought it was unadvisable to have school boards and compulsion, because the services of labourers' children were too valuable in contributing towards the maintenance of the family. He did not think that country gentlemen ought to advance such an argument, because they had always advocated the Factory Acts, which also embraced the principle of compulsion. They need not, however, alarm themselves on those grounds, for throughout the country the wages of agricultural labourers were rapidly advancing, and he had no doubt that, in a short time, labourers would be as well able as they were now willing to send their children to school, and to pay for their education there. It was said as a reason why there should not be school boards that the managers would be inferior to the managers of the present denominational schools. That was not the case in towns, where the members of the school boards were the best men the district could afford, and he did not know of any reason why that should not be the case in the

country also, nor why the existing managers should not be elected to seats at the school boards. But if there were any difficulty, all they had to do was to increase the areas of the school districts, and give the Department power to make such arrangements as should secure fitting representatives of the people on the school boards. The last reason why boards were objected to in the country was because it was supposed that the necessary result of their formation would be secular teaching. He did not intend to dwell on this part of the subject, because his hon. Friend the Member for Merthyr Tydvil had to deal with it. He would, however, take that opportunity of stating why this objection was not a valid one, and to give—as he believed he was expected to give—the view of the National Education League upon the question of secular and religious teaching. The mission of the League was to promote education, and not to labour for religious equality. They treated the religious question merely so far as it was supposed to be a difficulty in the way of the spread of education. They advocated the removal from the schools of so much religious teaching as would cause wrangling among the sects, and therefore they announced that the teaching should be unsectarian, by which they meant that it should be of such a character as could not give rise to discussions and controversies between the different sects. They had latterly been driven to the conclusion that if they were to diminish the amount to that small minimum, it would be tantamount to taking it away altogether. What they now advocated, therefore, was that there should be a complete separation between the religious and the secular teaching; and if that could be accepted by the Church and by the Conservative party, they would then have the most complete harmony with reference to the schools, both as regarded the secular and the religious teaching; because it was an undoubted fact that the foundation of all these discussions and animosities was the connection which existed between the religious teaching and the State aid or State grants. The Church frequently avowed that, in their opinion, secular education ought to be made subordinate to religious teaching. That was their principle. But that would not satisfy either the State or the tax-

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Payers, whose influence, labour, and money must go solely to secular teaching. Not a few of the clergy said the reason why they wished to have this religious teaching in the schools, and to preserve their complete control over the schools, was that they might become the bulwarks of the Church of England. But that, though it might be satisfactory to the clergy, could not be considered satisfactory to the Nonconformists. The separation of religious from secular teaching was not an idea confined to the members of the National Education League. It was advocated more than a quarter of a century ago by the present Dean of Chichester; and the Bishop of St. David's had said that a school might be secular, and yet that there might be in it a good moral influence. He also read, the other day, two remarkable statements in juxtaposition. One was by Mr. Buckmaster, to the effect that the careers of 120 children, educated at a Church of England school in Wandsworth, had been traced, and it was found that only nine of them continued to attend church regularly, and that 90 never attended church at all except on formal occasions, such as baptisms, marriages, &c. A little farther on, he found a report of a speech made by his hon. Friend the Member for Carlisle, who said that in his school—a secular one—it had been found that nearly all the children in after-life attached themselves to either a church, chapel, or Sunday school, and that the proportion so attached was much larger than in denominational schools. The hon. Gentleman the Under Secretary for the Colonies (Mr. Knatchbull-Hugessen), speaking on this question, took up an argument which had been used very generally against the League, and he must say that the hon. Gentleman stated the argument with that admirable terseness and force which was usual to the hon. Gentleman. In the course of his remarks the hon. Gentleman said—

"It hurts my conscience that I should help to educate children without religion as much as it hurts the conscience of a secularist to educate them with religion, and I do not see why his conscience is to be respected more than mine."

Such was the statement of his hon. Friend. There was, however, a fallacy in it, which he wished to point out. It was supposed that the League objected to religious teaching being given; whereas

it merely objected to the means by which it was proposed to give that teaching. What he would say to his hon. Friend was this—"We both approve of secular teaching, we both approve of religious teaching, and we both approve of the separation of religious from secular teaching by means of a Time Table Conscience Clause, while both of us agree that the religious teaching should not be compulsory; but after having gone so far together, where my conscience leaves you is when you tell me that you will not be satisfied unless I pay for that religious teaching which you approve but which I disapprove." Perhaps his own conscience was sensitive on the point; but that of his hon. Friend was morbid. Before the Education Act passed the Bishop of Winchester said—

"We know by experience that on the question of religion we are a divided nation, and immediately you levy rates the question will arise, what religion are you going to teach? But we must teach the truth. If you levy rates there must be an end of teaching for the love of Christ."

Now, his (Mr. Dixon's) remark on that statement was that there would not then be an end of teaching for the love of Christ, but there would be a beginning of teaching for the love of Christ, because hitherto the teaching had not been for the love of Christ but for State pay. The League had been branded, in some quarters, with many odious names; but, in the consciousness of their strength, they could afford to disregard the puny weapons of the weak. One statement, however, had been made, which he wished now to rebut. It was said that the League was actuated by a feeling of jealousy towards the Church of England. In reply to that allegation, he alluded to a letter which had been published from a rural dean of the Church of England, who maintained that he was right in advocating, in the interests of the Church of England as well as of religious education, the views propounded by the National Education League. There were also a great many other supporters of the League who were Churchmen, and who could, therefore, have no jealousy of the Church of England. He confidently believed that his hon. Friend the Member for Merthyr Tydfil, who was to second the Motion, would fully represent the views of the Nonconformists on this subject, and be able to show that they entertained no feelings of hos-

tility to the Church of England, but were actuated by motives which embraced the interests of all churches. The sole object of the League was to raise the education of the children of the working classes as high as possible, and to make that education universal. Before concluding, he would make an appeal to his right hon. Friend the Vice President of the Council. It might be that the duration of this Parliament would not be very protracted. It might be that before the termination of that period the term of office of his right hon. Friend would be over. He had done a great work—he had procured the adoption by the House of the principle that it was the duty of the State to see to the education of all classes, and his appeal was, that he would, at least upon one point, give them some satisfactory promises in his speech to-night, and be able to tell them, that, if not this year, at any rate at no distant period—before his term of office expired—he did not want to turn out his right hon. Friend—he would be able to give to the whole country that which he knew better than any other man was the greatest possible boon to every part of it—school boards and compulsion everywhere. Until he had done that he would not have secured what all wished—that the children of the working classes, to whom supreme political power had been given, should be so educated that the prosperity and dignity of this great country would be safe in their hands. The hon. Gentleman concluded by moving the Resolutions of which he had given Notice.

MR. RICHARD, in seconding the Motion, said, he should not dwell on those points upon which his hon. Friend had enlarged, but should restrict himself to what might be called the denominational part of the question, or that part which especially concerned the Nonconformists. He was anxious, however, at the outset to correct a misconception—he might almost call it a misrepresentation—which was utterly at variance with the notorious facts of the case, and to which a good deal of currency had been given during the recess. It had been said that by the Act of 1870 the Nonconformists entered into a compromise for the settlement of the education question, and that finding, when the Act was brought into operation, that matters were turning to their disadvan-

tage, they were now withdrawing from the compromise, and stirring up an agitation against the Act. He entirely denied the correctness of that statement. There had been no compromise. Who negotiated that compromise? Who bound themselves to abide by it? On the contrary, every effort made by the Nonconformists, or on their behalf, in that House, when the Education Bill was under discussion, to amend it in the sense which to them seemed just and liberal, with the view of bringing it more in harmony with their views and wishes, had been defeated by the Government. Amendments were moved by the hon. Members for Birmingham, Manchester, Oxford, Border Boroughs, Lambeth, and Sunderland, and by himself; but they were all refused by the Government, and one of these Amendments, at least, was defeated, not by the Liberal party—for a majority of the Liberal party was in favour of it—but by a combination of Government officials and those faithful Friends of the Administration who thought it almost an unpardonable sin to vote against the Government, with all the force of the enemies of the Government on the other side of the House. He claimed a right to speak on this subject, because on the 11th of July—only a few days before the Bill went through Committee—he took the opportunity of respectfully warning his right hon. Friend the Vice President of the Council and the Government that they were forcing the Bill through the House and on the country in the teeth of the declared wishes and earnest remonstrances of the whole Nonconformist body, and he supported that allegation by referring to what had occurred a few days previously. He reminded the House that the opinions of the important body of Wesleyans in reference to the Bill were conveyed to the House in a Petition presented by the hon. Member for Lambeth (Mr. M'Arthur); that the deputies of the three denominations of Presbyterians, Independents, and Baptists had passed a strong resolution condemnatory of the Bill at a meeting under the presidency of the hon. Member for Hackney (Mr. Reed); that he had himself presented a Petition from the Committee of the Congregational Union of England and Wales representing between 2,000 and 3,000 Independent churches; that the hon. Member for

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Sunderland (Mr. Candlish) had presented a similar Petition from the Baptist Union, representing 2,000 churches; that two special committees of Nonconformists were sitting—one in London and the other in Birmingham—and that both had pronounced against the Bill. So far, therefore, from a compromise having been accepted by the Nonconformists, there was not a single representative body, either in England or Wales, of any importance that did not pronounce against the Bill earnestly and emphatically, and that did not refuse to accept it as a satisfactory settlement of the question. He had then ventured to tell the Vice President of the Council that he might carry his Bill victoriously through Parliament, as a Government might carry any measure by using the votes of its adversaries to defeat the wishes of its friends; but that one or two more such victories would be most disastrous in their influence on the future fate of the Liberal party. His hon. Friend the Member for Bradford (Mr. Miall) repeated the same protest still later, on the very night when the Bill passed through the Committee, and this so excited the ire of the Prime Minister that he came as near to swearing as a Gentleman could of his decorous character. So far from any compromise being accepted, their complaint was that all the apparent concessions made were either entirely insufficient or absolutely delusivo. What were those concessions? First of all, there was the Time Table Conscience Clause. Looking at those who had to avail themselves of that clause—looking at their poor, weak, defenceless condition, no Conscience Clause that the wit of man could devise could be anything else than a mockery, a delusion, and a snare. And the hon. Gentleman opposite, the Member for Suffolk (Mr. Corrance), had the candour to admit that to talk of the Conscience Clause as a great propitiatory sacrifice was simply ridiculous. Another concession was the adoption of the proposal of the right hon. Member for Hampshire, that in schools established by the local rates no catechism or religious formulary distinctive of any particular denomination should be taught. No doubt that Amendment was presented in a perfectly *bond fide* spirit; but we always said that there was no security whatever in that Amendment against the teaching of the most

pronounced denominationalism in any school. And the last concession was the separation of the denominational schools from all connection with the school boards. These were the terms the Prime Minister used when he was introducing his amended version of the Bill,—“We shall sever altogether the tie between the Local Board and the school,” and the Vice-President of the Committee of Privy Council for Education used these words—

“The Government thought it advisable to strike out from the Bill the principle of voluntary schools receiving aid out of the rates.”

But it was not struck out, or if struck out in one form, it was retained in another and more subtle form in Clause 25. Now, with regard to the Act itself, he continued to feel that it was a pity the right hon. Gentleman did not avail himself of what appeared to him a great and golden opportunity to lay the foundations, at least, for a national system of education. But, instead of that, the present Act, if correctly described, ought to be entitled “An Act for encouraging and extending and consolidating and perpetuating sectarian education throughout England and Wales.” It was not necessary for him, he hoped, to disclaim any intention of casting disparagement on denominational schools. He had already in that House paid his humble but cordial tribute of respect to them for the great and valuable services they had rendered to the cause of popular education; nor had he shrunk from acknowledging—and he was willing now to repeat—that the Church of England, and notably the clergy of the Church of England, had done themselves infinite honour by the sacrifices and exertions they had made for the education of the people. No doubt, the movement in favour of popular education, which originated in this country about the close of last century, began with the Dissenters. Joseph Lancaster started his first school in 1796; and the British and Foreign School Society, which sprang out of his labours—first known as the Royal Lancasterian Institution—was in existence several years before the National School Society. But when once the members of the Church of England took the work in hand they soon outstripped all competitors in the number, if not the efficiency of their schools. They had every possible advantage in that work. They numbered the wealthiest

part of the community in their ranks. While the Dissenters had to build and repair their own chapels, maintain their own ministers, erect and support their own colleges, and sometimes to subscribe large sums of money to protect or promote their own civil and religious rights, the Church of England had all the Ecclesiastical edifices for their sole and exclusive use; they had large Parliamentary grants for the erection of new churches; they had compulsory church-rates to maintain the Church fabrics, and meet other incidental expenses; they had all the enormous national endowments for the support of their ministers, and they monopolized nearly all educational and charitable endowments from the Universities down to the smallest parochial or charity schools. When Parliament began to make grants for education the clergy were restrained by no conscientious scruples, as many Dissenters were, from taking any amount of public money the State thought fit to place at their disposal for building purposes and teaching their own denominationalism in schools. Such being their resources—with everything in their hands to do the work—he said it with perfect frankness and candour—they did it well. They built thousands of schools over the whole face of this country. No one wished to do any injustice to these schools—no one proposed that the grants they were accustomed to receive should be withdrawn from them. No doubt there were many who felt with the Chancellor of the Exchequer that the denominational system was founded on no sound principle, but on mere individual will and caprice—that the Government were content to follow instead of to lead in the matter of education; but it was an error of at least 25 years' standing, and therefore he could well understand the right hon. Gentleman when preparing an Educational Bill saying to himself—"Here is a system of denominational schools that has grown up among us, with which the Government, not seeing to the full extent the consequences of their own act, had entered into a sort of concordat; they must, therefore, be treated with every favour and consideration." But the right hon. Gentleman did much more than that. He set himself to patronise and promote them in every possible way at the expence of every other kind of school. A prodigious stimulus was given to de-

nominational schools by continuing the building grants to the end of 1870. The right hon. Gentleman must have known that that would tell enormously in favour not only of denominational schools, but of denominational schools of one class—those belonging to the Church of England. He had told them what had been the result. There were 3,337 applications for grants in aid for building or enlarging schools. Of these, 2,286 had been approved by the Department; and nearly all these, according to his own acknowledgment, were denominational schools and schools belonging to the Church of England. Compare that with what the right hon. Gentleman stated only last night as to the number of schools called into existence under the other part of the Bill. He told them that 91 new schools had been built by school boards, and 100 had been transferred to them. The conduct of the right hon. Gentleman was somewhat a mystery to him, he confessed. For he professed to be anxious for the extension of school boards all over the country; he said, "he entertained the hope that the effect of the Bill would be to secure that boards should be established throughout the country," and yet, cherishing this hope, he voluntarily put it in the power of the most strenuous opponents of school boards to defeat his own dearly cherished wish. Why was this done? The only shadow of a reason he had heard assigned was that it relieved the ratepayers. Well, he supposed that voluntary contributions raised in order to obtain grants came also from the pockets of the ratepayers; the only difference was that, under the rate, the assessment would have been more equitable and equitable. But, at any rate, it was refreshing to find any tenderness for the ratepayers or taxpayers among the Members of the present Government—a Government who added £3,500,000 to our military expenditure in one year, and came down a few evenings ago to ask for another £3,500,000 for building barracks, which, in all probability, would be doubled before they were done with them. Such a Government surely need not be so very fastidious about £1,500,000 being taken out of the pockets of the taxpayers for building schools. Having swallowed these great camels, they need not have strained at this little gnat. Then there was the addition of

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50 per cent to the denominational schools—and on what pretext? That was to be the compensation to them for the entire severance of denominational schools from school boards. But, after all, they found that school boards had the power to subsidize denominational schools. They had done the one thing, but not left the other undone. He contended, further, that the administration of the Act showed the same animus—playing into the hands of denominational schools. He might refer in illustration of this to the appointment of Inspectors. There were two classes of Inspectors to be appointed—permanent Inspectors, and Inspectors of Returns. Before the close of last Session, there were 12 new permanent Inspectors appointed; and of these not one was a Nonconformist. He believed there was a Nonconformist added lately—a sort of Inspector “born out of due time.” But when his hon. Friend the Member for Birmingham asked a Question of the right hon. Gentleman with regard to this matter, he gave him what he must call a clap-trap reply—he said he did not know what the religious profession of these Inspectors was, and it was not his business to inquire—and this was rewarded with a tumultuous cheer from the opposite benches. But if they had found that the Inspectors were all Nonconformists, he wondered whether hon. Gentlemen opposite would have received the right hon. Gentleman’s reply with such signs of satisfaction. Then, what was the animus displayed by the Inspectors, or at least by some of them, in discharging their functions? He did not know what their instructions were, and would rather like to see them; but if he was to infer what their instructions were from their conduct, they must have been to this effect—“Do everything in your power to encourage and establish denominational schools, and everything to discourage and prevent the establishment of school boards and of schools under school boards.” Towards the close of last Session, they heard that a Mr. Kinnersley was appointed Inspector of Returns for Anglesea, and was to be accompanied by the National School Inspector. Now, Anglesea was about the most Nonconformist county of Nonconformist Wales; and the hon. Member for Anglesea (Mr. Davies) when he heard of that arrangement, went to the Department, and humbly and respectfully

—for Nonconformists were obliged to be very humble and respectful—submitted that that was not quite a fair arrangement; that the overwhelming majority of the people in Anglesea being Nonconformists, the British School Inspector should be appointed to accompany Mr. Kinnersley; because, although the British School Inspector was a Churchman, he was at least accustomed to come into contact with the people, and was acquainted with their views. Of course, however, no heed was paid to that remonstrance; and those two gentlemen went about the island discouraging the formation of school boards, by giving absurdly exaggerated representations of the amount of rate that would have to be raised, also depreciating school boards where they had been formed, and trying to persuade them to abandon their functions, and transfer them into the hands of managers whom Mr. Kinnersley was anxious to appoint. The consequence was that a perfect storm arose in the county, and the people met at a central town to protest against the manner in which the officials of the Privy Council were acting towards them. A school board had been formed in a parish called Llanrhuddlad, with which two other parishes were associated, and in that parish there was a National and a British School. A census was taken of the inhabitants, and it was found that in those three parishes there were only 10 children belonging to parents connected with the Church of England. A school board—all of them Nonconformists, as was natural from their overwhelming preponderance in that district—had been elected; and what was the scheme which Mr. Kinnersley suggested for the education of that Nonconformist population? Why, that the board elected by the people should abdicate their functions as a school board, except, he supposed, in a matter of finding the money, and should transfer the management of the school to five managers, whom Mr. Kinnersley was to appoint or recommend, and three of whom were to be the three rectors of those parishes, their successors or their nominees, while the other two should be appointed by the board. Thus, in order to provide for the education of 10 children whose parents belonged to the Church of England, there were three rectors necessary for the management of that school, and of course

the Nonconformists were left out in the cold. Now, Nonconformists objected to that unfair way of throwing the education of the people into the hands of denominational schools. He thought it was an advantage for the children to be educated together, without being made aware, while they were so young, of the different sects into which the parents were separated. As a Nonconformist, he also disapproved strongly of much of the religious teaching given in those denominational schools. The Protestant Dissenters of this country were still Protestants. Thousands of the clergy of the Establishment were also faithful to the principle of the Reformation; but it could not be disguised that there was a large and increasing class into whose hands the education of the children would fall more and more, whose Protestantism was becoming "small by degrees and beautifully less." The Protestant Dissenters, therefore, did not want to be taxed to enable these men insidiously to undermine the principles of the Reformation. Burns, in his *Standard Reading Book, adapted to the Requirements of the Code of 1871*—a publication to which he would recommend the attention of the hon. Member for North Warwickshire (Mr. Newdegate), said that many heresies had desolated the Church since the age of the Apostles; but none produced more disastrous results than those which arose in the beginning of the 16th century, the followers of which were known by the name of Common Protestants. The author of this religious revolution was Martin Luther, an Augustinian friar, who, in the solitude of his cloister, had embraced several false opinions on matters of faith and the doctrine of indulgences. Step by step, he went on his miserable career, till there was scarcely one doctrine of the Catholic faith that he did not assail.

MR. W. H. SMITH: Perhaps the hon. Gentleman is not aware that that book is published by a Roman Catholic publisher.

MR. RICHARD: At any rate the teaching of the two Churches came so near—"No, no!"—he would, at any rate, give a specimen of which there could be no doubt, and thus show why it was that the Nonconformists felt a reluctance to have their children educated in the denominational schools. The hon.

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Gentleman then read the following extract from a catechism by the Rev. Frederic Gace, Vicar of Great Barling, Essex:—

"There are various sects and denominations, which go by the name of Dissenters. In what light should we consider them?—As heretics; and in our Litany we pray to be delivered from the sins of false doctrine, heresy, and schism. Is their worship laudable?—No; because they worship God according to their own evil and corrupt imaginations, and not according to His will. Is Dissent a great sin?—Yes; it is in direct opposition to our duty towards God. Do we not find many good men among the Dissenters?—Yes; many doubtless of unexceptionable character in a moral point of view, but they are not holy men. Wherein consists the difference between moral men and holy men?—A moral man acts from the influence of education and position in society, and other worldly principles; a holy man does God's will by the Divine aid of the Holy Ghost duly influencing a man's character. Why have not Dissenters been excommunicated?—Because the law of the land does not allow the wholesome law of the Church to be acted upon."

This was written by a clergyman of the Church of England for use in one of the denominational schools. He quarrelled with no man for employing strong language to express his sense of the value and importance of religious education; but they had a right to complain when those who contended for imparting the religious instruction in some other way and at some other time than in the day schools, were branded as enemies of religion. The Dissenters of England repelled such an insinuation with scorn. His contention was that the teaching of religion, both to adults and children, had been committed to the Christian Church—understanding by the Church, not the clergy, but the congregation of faithful men. But to his great astonishment this doctrine seemed to be treated with absolute scorn and incredulity, and they were told by the Churches themselves—"We wash our hands of all responsibility for the children." The solemn injunction of their great Master—"Feed my lambs"—they set aside, and said, "No, we must commit the instruction of the children in religion to State-paid schoolmasters, and if they do not care for their religion, they must grow up Pagans." He objected to that doctrine. He contended that religion could be taught only by religious men and women. Well, what security would they have that the young people that would be turned out of the normal schools by the hundred

would bear that character? Education would become a profession in this country, like law, medicine, or civil engineering, and what security could they have then that the young men and women who would adopt it as a profession would be persons of earnest religious character? To teach religion by rote, as grammar and geography were taught, would be attended by disastrous results, and would produce, not Christians, but infidels. In Germany, Mr. Horace Mann, of Massachusetts, had been deeply impressed with that fact, and had put on record his opinion that the enforcement of a speculative faith on the children by the paid national teachers was one of the principal reasons of the rapid spread of infidelity in that country, for he found that many of the teachers did not themselves believe what they were obliged to teach, under the pain of losing their situations. In conclusion, he had to say that he gave every credit to the right hon. Gentleman the Vice President of the Council for his good intentions in this matter. He believed that the right hon. Gentleman was inspired by the honourable ambition of having his name associated with a great system of general education in this country; but, unfortunately, by throwing himself as he had done into the arms of the denominationalists, he (Mr. Richard) was afraid that the right hon. Gentleman's name, instead of being associated with honour with a national system of education, would be associated all over the country with scenes of sectarian strife, bitterness, and animosity. The right hon. Gentleman, besides failing to solve the educational difficulty, would, he thought, dissolve the Liberal party, by alienating and disgusting one of the largest sections of that party, which had been faithful to it through all its changing fortunes; which had never shrunk from bearing its share in the battles in which the Liberal party had been engaged; and unless the right hon. Gentleman at the head of the Government interposed his authority to prevent that catastrophe, he (Mr. Richard) saw nothing for it but that the Liberal party would be disorganized and broken up in consequence of the Education Act which had been passed. He thanked the House for having listened to him, and expressed his regret that he had been misled by a friend with regard to the origin of the book from which he

had first quoted. He could assure the House he had no suspicion that he was misrepresenting its character to the House.

Motion made, and Question proposed,

"That, in the opinion of this House, the provisions of the Elementary Education Act are defective, and its working unsatisfactory; and particularly that it fails to secure the general election of School Boards in towns and rural districts:

That it does not render obligatory the attendance of children at school:

That it deals in a partial and irregular manner with the remission and payment of school fees by School Boards:

That it allows School Boards to pay fees out of rates levied upon the community, to denominational schools, over which the ratepayers have no control:

That it permits School Boards to use the money of the ratepayers for the purpose of imparting dogmatic religious instruction in schools established by School Boards:

That by the concession of these permissive powers it provokes religious discord throughout the country; and by the exercise of them it violates the rights of conscience."—(Mr. Dixon.)

MR. W. E. FORSTER: Mr. Speaker—My hon. Friend who has just sat down concluded his eloquent speech by some words rather specially addressed to myself, but with which I can assure the House I see no reason to find fault. I do not intend at present to allude specially to these remarks. Anyone who in this free speaking and free thinking country has real work to do must expect his full share of comment and criticism, some of which he may not think to be altogether fair, and before I conclude I may find it necessary to allude, not so much to what has been said by my hon. Friends, as to charges which have been made against me since the passing of the Act. But that is a matter of very little importance compared with the question we have before us. At this time of the evening, with a good House, I am much more anxious to address myself to the Resolution and to my Amendment than to anything so unimportant as that which affects myself personally. The Resolution of my hon. Friend covers much ground, and a little more than has been covered by the able speeches of either of the hon. Gentlemen who have addressed the House. My first objection to the Resolution is that, if carried by the House, it will imply that the House must pass a new Education Act this year. The House would stultify itself if, after carrying the Resolution—

contradicting, as it does, some of the most important provisions of that Act—it allowed any time to elapse without attempting to pass a fresh Act in accordance with this Resolution. Now, the education of this country is a very difficult thing; and I think it is unreasonable in my hon. Friend to ask us to pass a new Act before we have had the opportunity of ascertaining how the one we passed 18 months ago will really work. I think the Resolution of my hon. Friend is also inconvenient, because it would be impossible, if it be accepted, to reconcile it with the work that they were now doing—it would interfere with it, and, in fact, would almost wholly stop it. My hon. Friend did me the honour to quote some remarks I made in introducing the Education Act. He has done so before; and he must allow me to observe that, in quoting my words now, as before, he has forgotten that they were followed by other words, in which I said quite clearly we would make every use—as I thought we were bound to do—of the voluntary agencies engaged in the work of education, and that we would do so to the utmost of our power. Just before the words which my hon. Friend quoted, I said that with the men who were then doing the work of education without State aid we would not interfere; but if they could not do the work, education must not be therefore neglected because of the dislike that might be felt to a rate. I am not calling upon my hon. Friend to agree with me; but I have a right to appeal to this Parliament, which passed this Act only 18 months ago, to consider the principles upon which they passed it. I believe those principles are really contained in another remark which I may be allowed to quote from my speech, and which, I think, involved the understanding of the House at the time the Bill was passed. I stated—

"Our object is to complete the present voluntary system, to fill up gaps, sparing the public money where it can be done without, procuring as much as we can the assistance of the parents, and welcoming as much as we rightly can the co-operation and aid of those benevolent men who desire to assist their neighbours. There are two main principles that run through all our clauses for securing efficient school provision—legal enactment, that there shall be efficient schools everywhere throughout the kingdom; compulsory provision of such schools if and where needed, but not unless proved to be needed."—[*3 Hansard, ccix. 443-4.*]

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That was the principle upon which the Act was framed; the principle upon which it was accepted by the House, and the principle upon which we have endeavoured honestly and impartially to work it. I can assure my hon. Friend that it has been no slight labour to bring this Act into operation. We have had, in the first place, to find out the educational necessities of the country. That cannot be done throughout the 15,000 parishes of England without time and endeavour. We have had to find out the quantity and the quality of the schools now in existence, and whether they were giving efficient education or not. We have had to find out where rates were required. We are just getting to the end of our task, and we shall have to enforce rates where they are required. It is only 18 months since the Act was passed, and now that we have just come to the time when we can enforce the compulsory powers granted by the Act my hon. Friend comes forward and says—"I do not think your Act of much use; let us have a new Act altogether." If my hon. Friend could say that we had done nothing since the Act was passed, I admit that our plea of time would be of little avail; but I maintain that we have made much progress—very much more than at the time of passing the Act we had any right to expect. I am not now claiming any credit for myself—I do not deserve any—nor am I claiming any credit for the permanent officials of my Department, though I might well do so. Indeed, I must say that never was a Minister, who had hard work to do, better served than I have been by the officials, from the highest to the lowest, in doing a most difficult work with a zeal that was quite indifferent to any demands that might be made on their time and labour. Not only has much been done, but much has also been accomplished in anticipation of the Act, and in reliance upon its provisions; and I say, therefore, that you have no right to toss that action away and make it abortive by passing a new measure which would render useless everything that had been done. We have just about found out the gaps and are about to fill them up, when my hon. Friend now steps forward and demands that we shall provide a totally different machinery. I think my hon. Friend is connected with machinery, as I am. Well, here we have a

very large order; we have just got our machinery arranged to get it done; yet my hon. Friend wants to pull it all down again, and substitute fresh machinery in its place. It is upon that ground that I shall presently move, as an Amendment to his Resolution—

"That, in the opinion of this House, the time which has elapsed since the passing of the Elementary Education Act of 1870, and the progress which has been made in the arrangements under it, are not such as to enable this House to enter with advantage upon a review of its provisions."

I appeal to both sides of the House whether that statement is not well founded. I say this—that although our progress has been considerable, it has not been such as to afford any good reason for interfering with the operation of the Act, least of all to alter it in the direction now proposed by my hon. Friend—that very direction in which, 18 months ago, the House, by a large majority, refused to go. I do not, however, think I should be doing justice to my hon. Friend if I did not acknowledge that his Resolution makes the statement that we are in a wrong course, and though I have not found that proof of the statement in the speeches of either of my hon. Friends which I had reason to expect, they undoubtedly did give some ground upon which their belief was founded, and upon which they charged us with doing more harm than good. If they are right in that statement, I acknowledge instantly that time is no plea, and that this Resolution ought to be passed. But let us see whether my hon. Friend is right in his statement. In regard to his first proposition, my answer is, that no doubt the provisions of the Act are not perfect. We have to deal with human society as it is, and we must do the best we can with it. But I am convinced, after the experience of 18 months, that it would have been very difficult to have made any important provisions other than what they are, and to do as much good as has been done under it. As to the working of the Act, to which the next proposition of my hon. Friend refers—well, satisfaction and dissatisfaction are matters of comparison. There is nothing perfect in this world—we have not to deal with perfect instruments. We have to deal with Englishmen and Englishwomen, and better instruments you will not probably find in the world. But still they

are not perfect. I believe that though there has been a great deal of talk—and some acrimonious talk—over this Bill, it would have been very difficult to have framed a Bill that would not have produced more talk and more acrimonious talk, and I also say that alongside of the talk there has been a vast amount of work done. We have had to deal with people who cared little or nothing about education; with the people who cared more about their money than about education; with some few who absolutely disliked education; with others who loved their special Churches better than they loved education; and with others again who disliked special Churches better than they liked education; but there was also an immense number of men and women who cared a very great deal for education. I say men and women, because, for the first time in an Act of Parliament, the assistance of women was invited, and it turned out that we acted very wisely in doing so. What has been the result? I think some hon. Members suppose that what we have done was a very easy matter. But it was no easy matter to raise throughout the country a desire to see efficient schools established, and to see them working efficiently and actively. Will the House try for a moment to place itself in the position we occupied two years ago, at the time of passing this Act? At that time we had no national system, but we had a State-assisted system which was doing a great deal of good—a system which, as has been acknowledged by my hon. Friends, had claims to our forbearance, inasmuch as it was 25 years old. That system had especial claims upon the forbearance of my hon. Friend (Mr. Richard), and those who are with him in this matter, because but for them we should have had a national system of education established 20 years ago. ["No, no!"] Well, we had this system at work, doing much but leaving much undone. There were many persons who said—"Rely upon this system and it will do the work you require;" but the Government came to the conclusion—and that conclusion was accepted by the House and endorsed by the country—that we ought not to rely altogether on the voluntary system, but that we ought to utilize, to organize, and to supplement it. That is what we have been doing ever since, and

I believe that this work is not only begun and is going on, but that it will soon be actually completed, if my hon. Friend does not succeed in stopping it. My hon. Friend and the hon. Member who seconded his Motion both said that there was no compromise in the Act. I agree that there was none, though in saying that I believe I differ from many Gentlemen who have supported me, and who have defended me from attacks. I never intended the Act to be a compromise. I was never conscious of having made one. But I was conscious of one thing—not of a compromise, or of a balancing of one party against another party—but that the work before us was a very hard one to do, that it required all the forces of the country to co-operate in it, and I considered that the Government was bound to find out what those forces were, in order to bring them to bear. There were three forces—the love of parents for their children; the desire on the part of philanthropists to secure the benefits of education for the children of their poorer neighbours; and that municipal organization the aid of which had never hitherto been invoked. I thought that we were bound to make use of all these forces, and that I should be to blame if I rejected any of them or if I relied exclusively on any one. Many persons would have relied solely on the first two; my hon. Friend would appear now to be in favour of relying solely on the third. I think that would be a great mistake. I think he would be defeated in his own object by such reliance. We might have adopted the principles of that society, active and powerful, of which my hon. Friend is the eloquent exponent. We might have refused assistance to the voluntary schools which did not hand themselves over to the school boards. I do not think my hon. Friend would have advocated that at that time if we had brought forward the Act upon that principle. But anything more unwise, anything more suicidal, could scarcely be conceived than that we should have destroyed a system which had done much good before we had built up another in its place. What did we do instead? We prescribed the conditions on which we should make use of these voluntary schools. We said—“We shall take care that they are so conducted as not to trespass upon the conscience of any child, or of the parent of any child

attending the schools,” and although my hon. Friend states now that he thinks nothing of a Conscience Clause, I must remind him that both he and his Friends advocated that provision, and called for the alteration in the Bill which resulted in the Time Table Conscience Clause. Well, my hon. Friend the Member for Merthyr Tydvil has quoted some absurd and bigoted catechism that has been published by some clergyman; but I do not know how many tens of thousands of clergymen there are in England, and I am not responsible for all that they may choose to publish. I will, however, defy my hon. Friend to produce one case in which the conscience of a child or of its parents has been violated in these schools since the passing of the Act. No such case has come before the Department. It may be said that the parents dare not bring such a case forward; but that can hardly be the case. My hon. Friends have many persons thinking with them throughout the country, and if parents had cause to complain, depend upon it they would find many people ready to take up their case. I need not say that so long as I am in my present Department every case presented shall be inquired into and sifted to the fullest extent. I thought I had got a case a day or two ago. I saw it in a newspaper, and I got a letter on the subject from a gentleman, active, able, and sincere—Mr. Dale, of Birmingham. I said—“Here is a case against the Conscience Clause, and if I find it to be true I shall make an example.” It was the case of a school near Cheshire, and the statement which got into several of the Northern papers was that no children should be entitled to the benefits of the day school unless they attended a Sunday school connected with it. I wrote to the manager at once, and in no minatory way, as I was anxious to get at the facts, asking him whether there was such a rule as the one I have alluded to. He replied that the rule was one of those in force 30 years before the Education Act was thought of, and it had been dragged from the drawer in which it had long lain simply in order, if possible, to damage the Bill recently passed through Parliament. That really is the nearest approach to a violation of the Conscience Clause which I have been able to discover. We might have said at once that as the Act gave power

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to levy education rates we should insist upon their being levied accordingly, whether they were required or not. That, I dare say, is what my hon. Friends would now prefer me to do; but I preferred not to make enemies when I might achieve the object I had in view in a more gentle way. If I had taken the course I am now referring to, I dare say I should have had the support of my hon. Friend; but I am not quite sure I should have been backed up by those who support him—persons, many of whom express opinions with a great deal of sincerity, but find the state of things altogether different when they are called upon to pay for what they say. I imagine that if I had set myself to pass a Bill involving the levying of rates, whether they were wanted or not, I should, in the first place, have found great difficulty in passing it; and, in the second, if I had passed it, I could not have carried it out. My hon. Friend says it was worth the risk, because such a provision would have given us better schools; but then I must take the liberty of differing with him, though I hope he will not mistake what I mean. I believe that the rating system will eventually prevail, and that the fact of our having laid it down by law that a locality must be rated if it fails to do its duty, will, in the end, cause the transference of voluntary schools to the rating system. My main reason for believing this is, that the desire to subscribe to voluntary schools will be strained by the knowledge that subscriptions so given will, while relieving the poorer neighbours of the subscribers of a slight burden, release their more wealthy neighbours from a duty which they ought and could be compelled to perform. When my hon. Friends spoke of the enormous advantages—advantages which I, for one, have never been able to discover—which have been conferred on denominational schools by the Education Act, they forgot the tremendous blow that the Act struck against such schools by the very introduction of a rating system. Though, as I have said, I think the ultimate effect of the Act will be the general adoption of this rating system, there are many parts of the country in which I am not sorry to see the education in the hands of the voluntary managers rather than of a board of ratepayers, upon whom the ultimate duty has been imposed by

the Act of Parliament. While there may be much said against the duality of the parson and the squire, my hon. Friend must acknowledge that very often among the schools of the country districts there is more liberality and more efficiency to be expected from them than from recalcitrant farmers who may be forced to pay the rate. We wish to do this great work by degrees, and meanwhile to make use of all the forces at our disposal, preferring to deal with friends rather than with foes. I knew very well that there was throughout the country a strong feeling in favour of education, and that if we led the people, instead of attempting to drive them, a response would come. That response has come, and as I stated a few days ago in reply to a Question in this House, from both town and country. My hon. Friend asks how it comes that there are school boards in the towns and not in the country districts, and, answering his own Question, says it arises from the fact that the Church is a power in the country and not in the towns. I must demur to that statement. I believe the reason for this fact is, that in all the localities there has been a desire to carry out the leading principles of the Act—namely, the provision of elementary education for the mass of the people, and that in the towns, owing to their large area, and the extent of the deficiency, it has been found impossible to do the work without a rate, while in the country districts it has been found quite possible to do all that was necessary without a rate. In each case the people have come forward to anticipate the compulsory provisions of the Act—in the towns by voluntarily forming school boards, and in the country by rendering boards unnecessary, by erecting schools and making the necessary provisions for their conduct. Not that the whole country has been completely provided for. I do not know whether it will be easily within the Rules of the House to get another education debate of much importance before the end of the present Session; but if it were I should expect attacks from hon. Gentlemen opposite on account of the thousands, probably, of compulsory notices which we shall be compelled to issue in a very short time. Many hon. Members may think we ought not to issue these notices; but we have these facts before us:—Throughout the country, including London, there are

thought that that time had now passed by. He, for one, had not the slightest hesitation in claiming for those with whom he had the greatest sympathy, who belonged to modern schools of thought, and who united themselves to no Church or sect whatever, that justice which required that the scheme of national education should not be applied to the advantage of one particular sect rather than another. The line could not be fairly drawn at any one point, and the principle of toleration must be extended equally to all. Whatever that House might do, he felt satisfied the time would come when the conscience of the country would recognize that that could only be effected by making the system of national education entirely secular.

LORD ROBERT MONTAGU said, it was evident that there were three parties, or three classes of opinion, upon the subject of education, within the House, and throughout the country. First, there was the hon. Member for Birmingham (Mr. Dixon), and those who concurred with him; secondly, there were the promoters and supporters of the Act of 1870, who, whether that Act was a compromise or not, at all events stood in the middle between the other parties; and thirdly, there were those of whom he confessed himself to be one, who had accepted that Act, because they failed to obtain anything better. Let the House, then, first take into consideration the class of opinions entertained by the hon. Member for Birmingham and his supporters, as evinced in his speech, and still more in the Resolutions which he had proposed to the House. In his speech he had spoken of compulsion in the most endearing terms, and had called it "a salutary power." In his Resolutions there was nothing but compulsion and tyranny, from beginning to end. His general charge was, that the provisions of the Act were defective, and then he enumerated the particulars in which he thought it ought to be amended. Let the House consider how despotic was their character. He would make the election of school boards compulsory throughout the country; he would make the daily attendance of the children of the poor, compulsory. He would compel all school boards to pay out of the rates, the fees of all the children in the schools, and would forbid for the future any "partial" payments being made.

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Fourthly, he would compel all school boards to support secular schools, and secular schools only. And fifthly, he would impose a compulsory prohibition against the use of the school buildings, at times when they were unused and empty, for any religious teaching whatever. Lastly, he inveighed against all permissive powers whatever, calling them concessions, and showing by that term, that he thought the normal condition of the country was despotism and oppression; in other words, he would not permit any local authority to judge for itself, or to act in that way which all the persons of that district knew to be the best for themselves. How was it that the ultra-section of the Liberal party had become advocates of despotism? He had always thought that all compulsion was contrary to the traditions and principles of the Liberal party. It was certain that if those Resolutions were put in force, they would do more to injure the cause of education than all the efforts of the last 35 years had succeeded in benefiting it, and would render the very name of education hateful throughout the country. There was also no doubt that such a stockade of compulsions was quite alien to the spirit and tenor of English legislation. We were not accustomed to compel, but rather to lead and guide, and urge on, utilizing all the local forces and dormant energies which existed in the people. As those Resolutions, then, contradicted the traditions of the Liberal party and the spirit of English legislation, and would be utterly destructive of the cause of education, which they had in hand, how did it come to pass that those who called themselves ultra-Liberals could frame or even support such Resolutions? It could only be that they desired to have one uniform, cast-iron system of education established, which should be utterly deprived of all religious influences and religious teaching. This was the end and aim of all the agitation which that party began to stir up, directly the Act of 1870 had come into operation. While the different religious bodies had been subscribing hundreds of thousands of pounds, and building schools and spreading education, those who called themselves secular educationalists had not built a single school, but had collected a hundred thousand pounds to get up an agitation against all religious teaching throughout

the country. They had agitated here, they had agitated there; they had agitated everywhere in England and Scotland; they had even sent agitators and demagogues over to Ireland, to embark on the fruitless attempt of influencing the votes of Irish Members against denominational education. On what pretence did they oppose it? The hon. Member for Birmingham had that evening asserted that denominational teaching was an "obstacle to education;" while the Seconder of the Resolutions (Mr. Richard) had described it as "an infinite mischief." Was this true? On the contrary, it had been proved that where education was the most denominational, the results of the secular teaching were the best. In which class of schools was the teaching of the most inveterately denominational character? Everyone, he supposed, would admit, and none more readily than the hon. Member for Birmingham, that the Roman Catholic schools were the most denominational of all; while those which were grouped under the head of Protestant Dissenting schools, which comprised everything that approached to a secular school, all British Schools, and so forth, were the least denominational of all. The Report of the Committee of Council for 1870-1 stated that the average attendance in the Church of England schools was 844,334; in Dissenting schools, 241,989; and in Roman Catholic schools, 66,066. The numbers presented for examination (that was to say, those who had attended more than 400 times in the year, and were prepared to pass in a higher class than the former year) were, in the Church of England schools, 1,040,837; in Dissenting schools, 310,912; and in Roman Catholic schools, 83,017. If the Roman Catholics number one-twentieth of the population, then the average attendance of children was 1 in 16 of the Roman Catholic population; while the whole average in the Protestant schools was 1 in 20 of the population: the number presented for examination in Roman Catholic schools was 1 in 13 of the Roman Catholic population; while in the Church of England and Dissenting schools the number presented for examination was only 1 in 16. Both the attendance and the number presented were lower in the less denominational schools than in the most denominational schools.

He would now consider the respective characters of those two classes of schools, and show that those denominational schools were the poorest, and, moreover, that the average age of the children which they contained was the lowest. It might, therefore, naturally be expected that the results would be worse in those schools than in the less denominational schools, and such an inferiority would be very pardonable. The percentage of children who pay less than 3*d.* per week in the Church of England schools was 75.3; in the Dissenting schools, 54; and in the Roman Catholic, which were, therefore, the poorest, 87.4. Being poorer, they had to be content with a cheaper class of master and mistress. The average salary of masters in the Dissenting schools was £107 per annum, and of the Roman Catholic masters was only £87. That of mistresses was £66 and £54 respectively. It might fairly be supposed that the masters and mistresses in those denominational schools had, therefore, a lower teaching power. Now, as to the ages of the children. The percentage of ages of children between 4 and 5 years in Dissenting schools was 8, and in Roman Catholic schools, 11; from 4 to 7 years old the percentage of age was much larger in the Catholic schools than in the Protestant Dissenting schools. From 7 to 9 years of age all schools were about equal; from 10 to 11 in Dissenting schools the average was 10.5 per cent, and in the Roman Catholic schools 8.9 per cent; and over 13 the average in Dissenting schools was 5.17, and in Roman Catholic schools, 2.8. It was, therefore, apparent that the children in Roman Catholic schools were much younger than those in Protestant Dissenting schools. The secular results were as follows:—Percentage of failures in reading was 8 in Dissenting schools, and 4.6 in Roman Catholic schools; in writing 9.1 per cent in Dissenting schools, and 6 per cent in Roman Catholic schools; and in arithmetic 21 per cent in Dissenting schools, and 12.4 in Roman Catholic schools; and the percentage that passed completely in all the subjects under Standard V. was 62.7 in Dissenting schools, and 74.9 in Roman Catholic schools. It was, therefore, very apparent that the proposition of the hon. Member for Birmingham and of his party was not true; so far from denominational teaching being an obstacle to

education, it was found that in the most denominational schools of all, the results of the secular teaching were the best. This, moreover, was in spite of the disparity of years and of teaching power: for if the teaching in the most denominational schools had been least good, little fault could have been found, for the young children which they contained had to compete with older children from Protestant Dissenting schools; and the children of poorer parents with children of richer parents; and the children taught by cheaper masters with the children taught by the best and most expensive masters. Nevertheless, there was a direct gain in the denominational schools which outweighed all these disadvantages. He passed now to the promoters and supporters of the Act of 1870. The hon. Member for Birmingham had called the Vice President the "Minister of Education for the Conservative party."

Some of the Conservatives might approve of the Vice President's Education Act of 1870, and others did not; and he (Lord Robert Montagu, was one of those who had never liked it, but had accepted it as a compromise—that was to say, he had taken it as an evil, but as a less evil than what might have been in time imposed, if he had not accepted it. However that might be, it was an Act in entire accordance with the fundamental principles of the Liberal party, and therefore contradictory of the principles of the Conservative party. Let the House consider the three main features of the Act, and they must confess this to be true. First, the election of school boards was permissive; that was to say, the people of each locality were free to govern themselves, and order what they thought best. That carried out the Liberal principle of the sovereignty of the people. The second feature of the Act was, that the people might rate all real property for the purposes of secular or, at least, school board schools. That was in accordance with the Liberal principle that property had no rights except those with which the statute law invested it; and that there was no law except the will of the people, or rather the will of a majority. The third feature of the Bill was also in accordance with a Liberal principle; it was, that as the people of the country were at variance on religious matters, seeing that they were divided among 150 different

religions, while it was, on the other hand, necessary that they should be in harmony on educational subjects, as the Liberal party had determined to have one uniform or national system of education; therefore—as the Vice President had said at Bradford on June 6th, 1870—"A main principle of the Bill was, that the State should not in any way interfere with religion." The Chancellor of the Exchequer had, perhaps, put the matter more clearly in his famous speech at Halifax last autumn, when he had said, speaking of the Act of 1870, that by it—

"They had taken the virus out of denominational schools. . . . Now they were made what was called public elementary schools for the first time, and were liable, like any other public bodies, to be dealt with at the pleasure of the Legislature, and if anything more was to be required of them the Legislature could impose it. That implied great progress,"

and the Vice President had that night said that "the Act of 1870 had struck a great blow at the denominational system." He (Lord Robert Montagu) had often, on former occasions, expressed his opinions on the Act of 1870; and they remained unchanged. He, therefore, considered it unnecessary to repeat them. He would merely remark on an anomaly in the Act. The State had taken upon itself the inalienable duty of the parent, in saying it would educate the children; and yet it refused to put itself *in loco parentis*, by repudiating the most indubitable and essential part of that duty, which was to give, before all things, a sound religious education. He now passed to the third party in the State—to those who had accepted the Act of 1870, to tell the truth, because they had not been able to prevent it. What they had desired then, however, they desired still. They then preferred, and they still preferred, that every religious body should educate the children of their own congregations, rather than send them to secular schools. They therefore wished Baptists to teach their children the Baptists' view of religion; they desired the Church of England to bring up their children in the principles of the Church of England; and they wished that the Roman Catholics should teach the faith of Christ to all the children of that Church. On what grounds did they desire this, both in 1870 and at the present time? Because they asked, what was the object

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or aim of a State education? Surely, it was that they might take the new generation before it came on the stage, and form and mould it as they desired the future people of England to be; or, in other words, they desired to get hold of children in order that they might give them those habits of thought and feeling which they wished them to have when they grew up. For, as Bacon said—"Education was nothing but an early custom." What habits did they give the children of England by the Act of 1870? They accustomed them to see religion shunted. All statesmen of old judged every law and every institution by the effects which it would have on the minds of the citizens; that was—they said a law was good if it tended to cultivate good habits of thought and feeling, and bad if it left the door open to the practice of vice. How much more necessary then was it to judge thus of a law of education! What, then, must be their verdict on the Act of 1870. It accustomed children, from their earliest days, to see religion put aside as a matter about which the school could not be troubled, and the State did not care. It gave them the habit of dissociating religion from all their thoughts and studies. What would be the effect of that when those children grew up? How would the House of Commons itself feel it? A great statesman, greater even than his friends supposed, because he always veiled in a garb of fiction the political truths which he desired to assert and by stealth inculcate—that great statesman wrote that Charles I. had come to an untimely end because he had brought himself into contempt; and he added a warning to the House of Commons, lest they should suffer a similar fate. He (Lord Robert Montagu) could not conceive anything more likely to tend to it than the legislation proposed by the hon. Member for Birmingham, and partially carried out in the Act of 1870. The hon. Member for Birmingham had just spoken of the "classes to whom we have given the supreme political power." If they had the supreme power in the constituencies, what prevented them from sending *Proletaires*, or even Socialists, and Internationalists, as their Representatives to the House of Commons? Nothing but the respect for right which was in the breasts of the working classes—the traces

of the religious teaching which they had received in the denominational schools of their youth. But bring up a new generation without religion, give them a habitual disregard and contempt for religion, and what would prevent them from looking merely to their own interests in the election of Members? They would then hurry into the struggle between capital and labour; the name of right would have lost its sense for them; the rights of property would come to mean merely the will of the majority in regard to it; the authority of the Sovereign, the influence of the upper classes, the restraints of the ministers of religion, would be gone. There would then be a Socialist House of Commons, which would speedily fall into contempt, or worse. It would pass away, and none would deplore it.

MR. LEATHAM remarked that he would not follow the noble Lord through his statistics, or his investigations into the causes why Voltaires were not returned to that House. Still less would he follow the course taken by his hon. Friend below him (Mr. Dixon). Much as he admired the ability with which his hon. Friend had addressed himself to his subject, he could not but regret that he had not thought it expedient to limit the controversy to such points as would appear to admit of immediate attention on the part of the Legislature. He thought his hon. Friend's success in the lobby might have been greater if he had only narrowed his battle-field, because there were many Members who, while they hesitated to embrace the whole programme of the League, had no hesitation whatever with respect to the soundness of some of the propositions for which he claimed their approbation. He (Mr. Leatham) was therefore in the position that if his hon. Friend should present his Resolution to the House *en bloc*, he feared he should be compelled, much against his will, to vote against him, for this reason—that he did not believe that education by direct compulsion, if they excepted the application of the principle to the criminal and the pauper classes, who might be considered to have forfeited for the time their freedom and independence, was in accordance with the feelings, habits, and opinions of the great bulk of the people of this country. It appeared to him that a more urgent

question was raised by the attempt to enforce Clause 25 of the Education Act—which his right hon. Friend the Vice President of the Council had only defended that evening in a half-hearted manner—because nothing could exceed the anger and bitterness, and therefore the danger, to our whole educational system which that attempt had everywhere excited. He could not agree with his right hon. Friend that this controversy had arisen on insufficient grounds. They could not call that grievance sentimental which affronted the sense of public justice, and did so in a way which left the person aggrieved face to face with the duty of personal protest. It was precisely this peculiarity which threw all its heat into the Church-rate controversy. A direct contribution to a Church system and doctrines from which he dissented was imposed by a triumphant local majority armed with powers of restraint. Almost the same terms would define the grievance of which he was complaining. His right hon. Friend entered into a somewhat hazy argument, in which he hardly succeeded in getting the House to follow him—and he (Mr. Leatham) was not quite sure that he succeeded in following himself—to show that the rates were not given to religious teaching. But could anyone doubt that the school fees, when charged upon the rates, constituted a substantial contribution towards the maintenance of the schools; and was it possible to draw any logical distinction between the maintenance of the school and the maintenance of the doctrines and Church systems which such a school was founded and carried on to promote? And that these schools were founded and carried on to promote particular Church systems and doctrines they were abundantly in a position to show. In a paper issued by the National Society, that society stated their work to be to teach the facts, the doctrines, and the duties of their religion, in order that the children might become intelligent Christians, and not only Christians, but Churchmen, and not only Churchmen, but communicants. Were, then, the Dissenters to be called upon to contribute to the schools of that society? Another authority he would quote on this subject was that of Mr. Fitch, one of the Inspectors sent down by the right hon. Gentleman to inquire

into the educational condition of Birmingham and Leeds in 1869-70. He stated that, with the single exception of the Unitarians, every religious body which maintained a school did so with the obvious purpose of strengthening the sectarian influence—as an instrument for bringing children to the church or chapel. But it was said there was no harm in doing all this, because the object of the State was to aid the parent, not the school. The result, however, of the State's action was enormously to endow a system of denominational education far more than sufficiently endowed already. It had been said by a previous speaker that grants were increased on the direct understanding that the connection between the school board and voluntary schools should cease. He did not blame the Church of England for what she had done; but the result was, over almost all the country, to forestall the introduction of any other system of education, and this was done in such a way as to enable the advocates of denominational education to taunt them with having raised a huge edifice of vested rights which dominated the present and overshadowed the future. His right hon. Friend had spoken at some length upon the success which that edifice represented. He did not seem to see that the higher it rose and the broader it grew, the more surely did it crush out the hope that they would see anything better in this country than a mere system of goody schools devoted to the teaching of catechisms and creeds. The fact was, that these schools were founded not to educate, but to indoctrinate the people, and it would have been better to have postponed this whole question than to have solved it in a way which must leave the real education of the people a permanent impossibility. Now, what were the results of this denominational system? If they referred to the latest Reports of the Committee of Council, they would find that for the year ending August 31st, 1870, there were visited 6,382 schools belonging to the National Society, or Church of England. The number of children present during the examination was 1,040,837; of these, the number who passed in reading, Standard VI.—that was, who were able to read “a short paragraph in a newspaper, or other modern narrative,” were 22,316—rather

Mr. Leatham

more than one in 50, or an average of 3½ children for each school visited. Now, if such had been the result of schools in Germany or Holland, Switzerland or in the United States of America, the Minister of Instruction would not have found so much cause of jubilee as his right hon. Friend. These grants, in truth, subsidized religion—that was the correct phrase. In some schools the amount raised from school fees was so large that when added to the denominational grants the managers were absolutely obliged to reduce the voluntary subscription for fear they should have a surplus, and so be compelled to forego a portion of the grant. In some cases the school fees with the denominational grant sufficed to discharge the whole expense of the schools. What, then, had we come to? To this—that denominational schools would not only receive a grant from the State in consideration of secular teaching, but they would soon be in a position to teach sectarianism wholly, or almost wholly, at the expense of the State; and this they ventured to call subsidizing religion. What confidence could they have that Clause 25 would not be abused to any extent in the interest of the denominational schools? His hon. Friend had referred to the great extravagance which prevailed at Manchester; but perhaps he was not aware of the fact stated in a letter which had appeared in *The Manchester Examiner*. The writer said that he had been waited upon by a member of the school board, and asked if he could receive some children into his school. These children turned out to be his own scholars, whose parents hitherto had paid their fees, but since the establishment of the board their parents had hardly paid the fees at all. Again, the ratepayers in the school district of Salford paid for the education of 1,700 children, yet the school attendance in the quarter ending September last, was less by 713 than in that ending in June. The fact was, that they were pauperizing the people by their 25th clause. They would not send their children to school unless their fees were paid. In the face of all this, it was a little hard to find his right hon. Friend invoking on behalf of the clause the very principle for which a few moments ago he (Mr. Leatham) was contending—that of religious liberty.

He told them that unless they left to the parent the choice of the school, the child's conscience would be strained. If the child had been left in the gutter his conscience would not have been strained. Pick him out of the gutter and teach him the alphabet, and his conscience was strained. What strained his conscience—picking him out of the gutter, or teaching him the important fact that A was an Archer, and shot at a frog? Speaking of consciences, he had heard that the human conscience when once awakened was apt to play strange tricks. But no stranger tricks were ever played by an awakened conscience than those which were being played by the hereditary consciences of hon. Gentlemen opposite—which slept soundly through two centuries, first of persecution and then of disability, to which they were condemned on account of their religious opinions—slept soundly while Dissenters were forbidden by law from having their children taught their religious opinions at their own expense—to awake with a sudden paroxysm of sensibility, and to demand that every pauper in the kingdom of the 150 denominations to which the noble Lord (Lord Robert Montagu) had referred, should have the right of having his children taught his own religious opinions at the cost of everyone except himself. But now that hon. Gentlemen's consciences were awake with regard to religious freedom, he put it to them whether it was just that he should be forced to subscribe to schools where his children were branded as heretics and heathens? And when he said heretics and heathens, he spoke advisedly. He held in his hand a little book, which had been already quoted by his hon. Friend the Member for Merthyr (Mr. Richard), in which he found that the children were asked—"In what light must we view those who have never been baptized?" And the answer was—"As heathens, whether old or young." He appealed to his right hon. Friend, who he had reason to hope had been no more baptized than he had been himself, whether he thought it right that they should be compelled to contribute to schools where doctrines of that character were taught, or were liable to be taught—whether it would not be better even to do as men with nerve and resolution throughout the country were preparing

nothing of the catechism to which reference had been made by the hon. Members for Merthyr, (Mr. Richard) and Huddersfield (Mr. Leatham), and he objected as much as anyone to the illiberal sentiments it was represented to contain. As a humble member of the London School Board he desired to express his warmest acknowledgments to the Vice President of the Council for the manner in which he had carried out the Act of 1870, and for the firm stand he had taken upon the principles upon which that Act was based. An earnest desire prevailed among school boards to complete the work which had been so well begun; but if these minor difficulties were exaggerated there would be great danger of their seriously retarding the real work of education. Moreover, the honest labour of the last 18 months would be thrown away, and the Education Act would be absolutely fruitless. As regards compulsion, he desired to see it fully in operation, but it must be put in force cautiously, due regard being had to the circumstances of the parents and the occupations of the children. Otherwise the reaction in the minds of the parents, which he feared must in any case occur to some extent, sooner or later, would be precipitated. A similar result was to be feared if school boards were established and rates levied in places where they were not absolutely needed. In the interests of the children, therefore, he asked the House to support the Amendment of the Vice President of the Council, and allow time for the patient and conscientious completion of work which, though experimental, gave so much promise of good results.

DR. LYON PLAYFAIR: The motive which has prompted the Resolutions of my hon. Friend the Member for Birmingham (Mr. Dixon) commends itself to all those who desire to see a system of national education supported by rates, and managed by ratepayers. In a few days the Government will ask you to give a second reading to a Bill which will carry out that principle for Scotland, and you cannot be surprised that many of us desire to see it adopted for England. In almost all Continental States elementary schools are provided, chiefly at the cost of local rates; for the Government contributions are insignificant in amount, and are devoted to the support of inspection and to the develop-

ment of the elements into higher forms of instruction, suitable for the useful purposes of life. The day may come, but it is still distant, when England will thus apportion local and State duties in regard to the education of the people. But to expect that at present would be a political aspiration of a vain kind. Even to nationalize education, as my hon. Friend proposes to do, is hopeless at present, unless we are content to arrest the progress of education in England. Thirty years ago a strong Government might have done it, though Lord Melbourne's Administration nearly perished in the attempt. But, then, the public were so apathetic on the subject of education, the Church so hostile, the Nonconformists so unyielding, that the State drifted into the plan of aiding the schools of all denominations alike; for it was thus able to take advantage of the quick action of religious zeal to compensate for the public and political sluggishness which then prevailed. And what was our position in 1870? We had recently entrusted the primary political power of the State to a large body of the people, many of whom we found to be deplorably ignorant, and it was absolutely necessary that we should extend education as rapidly and as effectively as possible. We took a survey of our position, and saw the whole country dotted over with schools, not one of which was national, and all of which had been raised and supported by large contributions from religious bodies, often with, often without the aid of the State. We could not in equity take them from the religious bodies, and if you left them out in the cold, in order to cover the ground with new national schools, you had to face the difficulty of having to provide 20,000 schools. But already the League has been complaining that, though the Education Department has been occupied for more than a year in forming local boards, and in surveying deficiencies, it could only point to a few rate-supported schools in action. The Rule of Three is not strictly applicable to this case, but it has its approximation. Now, if 12 months under a national system have only produced a few rate schools in action, how many months or years would it require for 20,000? If you had bought up the existing schools an expenditure of £10,000,000 might have sufficed; but would it have been

Mr. W. H. Smith

possible to persuade this House to impose such an amount of taxation for one section of the kingdom, and for a purpose which did not commend itself to the universal feeling of the people? There is no one in this House—or, at least, there was none in 1870—who believes it to be possible to allow our population to grow up in intellectual and moral degradation, until such time as political parties have constructed an educational system, which shall be symmetrically national and unsectarian. We did what all business men would do under such circumstances. We found a business forced upon us, with a large stock-in-trade in hand, not exactly of the quality we would have selected, but substantially good; and so we made the best of it. We bore in mind the fact that, after all, schools are schools, and are not Churches, and we agreed that the State should join itself to the secular part of the school, separating itself from the religious instruction. What we did—and, as I contend, wisely did—was to follow the spirit of a recommendation given to us by an eminent Nonconformist divine, whose words with your permission I will read—

"And as there seems no reason why, because of these unresolved differences, a public measure for the health of all—for the recreation of all—for the advancement of all—should be held in abeyance, there seems as little reason why, because of these differences, a public measure for raising the intelligence of all should be held in abeyance. Let the men, therefore, of all Churches and all denominations alike hail such a measure, whether as carried into effect by a good education in letters, or in any of the sciences; and, meanwhile, in their very seminaries, let that education in religion which the Legislature abstains from providing for, be provided as freely and amply as they will by those who have undertaken the charge of them."

These wise and liberal words of Dr. Chalmers, written shortly before his death, well represent the spirit in which this House legislated in 1870. There were then many, as there are now, "unresolved differences," both on this and on the opposite side of the House; but we postponed them in order to secure that which we thought to be of supreme importance—a speedy and effective education of the people. It is wrong to speak, as several hon. Members have done this evening, of our Act as a compromise. It was simply the best practical arrangement possible. Has it failed? On the contrary, it has marvel-

lously succeeded. My right hon. Friend the Vice President of the Council has already described the statistical results achieved, and in regard to these I will not again speak; but I ask you is it no sign of success that the attendance of children at schools has so largely augmented? Is it no sign of success that so many people of position, experience, and knowledge have come forward to give their time and labour on school boards without recompense of money or social distinction? Is it no sign of success that nearly five-sixths of burgh populations have been brought under the national operation of school boards? Is it no sign of success that the denominational part of the scheme has been stimulated into such increased activity? Nay, confess it frankly, it is this very denominational success which frightens you who support the Resolutions of my hon. Friend the Member for Birmingham. I am as anxious as you can be to have a national system; but I am not alarmed at this result, because I fully expected it. I never thought that 15,000 parishes and all our towns would be simultaneously galvanized into a national system. It was inevitable that the denominational section of our scheme should develop itself more quickly than the national section. Its ground was already prepared for the sowing of the seed; while the local boards had to break new ground and wait till it became mellow enough for the growth of crops. Hence it was impossible that the two systems should go on *pari passu*. There is a confusion of ideas about the action of the Education Department. By our Act, we enjoined it to promote secular instruction in schools through two agencies. Its duty is clear and explicit. It is to take care that children receive secular instruction; but it is no part of its duty to prevent them from receiving religious instruction. But that is what the controversy, in its whole breadth, is tending to impose upon it. The school provides two things, and we authorized the Education Department to buy one; but prohibited it from having any traffic with the other. But you do not like the association of secular and religious instruction in the same school. You are not content to go into a bookseller's shop to buy a copy of Tennyson's poems, but you must make it a condition that he shall not sell a Prayer Book to an-

was national and undenominational. Let me in this connection quote the words of the right hon. Gentleman (Mr. Forster), who is supposed to stand in the position of mediator between the two parties. He says—

"There are difficulties to men, as between one another, of theory and conscience, rather than difficulties in the mutual education of the children. We want a good secular training for these children, a good Christian training, and good schoolmasters. Children of these ages can hardly be supposed to require doctrinal or dogmatical training to any great extent."

Again, the right hon. Gentleman says—

"The religious difficulty has been felt, not so much by those concerned with teaching, as by those who wish to concern themselves with those who are concerned with the teaching."

This is the case in England, but it is much more the case in Scotland, where children of different creeds are so intermingled on school benches that it is difficult to tell the religion to which they belong. How can we obtain the teaching to which I refer? Here I may best quote the words of Mr. Forster again. The right hon. Gentleman said—

"If you bring this practical work home to the school boards, and tell them that it is their duty, and they must do it, and that if they fail the State will do it for them, my belief is that the religious difficulty will disappear."

Again, the right hon. Gentleman said—

"Almost the first effect of the Bill (referring to the English Education Bill) will be to give religious, though unsectarian, training in the great moral truths, for children mostly under twelve years of age are not those to whom it is easy to teach theological doctrine."

I do not wish to commit myself absolutely to the constitution of school boards as they are at present elected in England, and with the duties imposed upon them; but if you entrust the care of the education to the representatives of the parents, religion, as an influence and element in education, will be strong and vital, but as an impediment will be the shadow of a shade. Let us, then, have school boards in every parish in Scotland. We have the essence of a national system, and it only remains to induce all schools to conform to that type, not by compulsion, but by conferring upon them certain advantages. The question now is, are you going to foster or to discourage this national system? Let me entreat hon. Members to believe that I have no desire to rake up old differences when I recall their atten-

tion to what occurred in 1870 as a warning against what may possibly happen now. In 1870 Parliament was invited to fix a model school, and spent a great deal of time in doing it, and then, instead of inviting all schools to put themselves under the national system, made increased grants to voluntary schools, in order that they might not suffer by competition with school-board schools they had themselves called into existence. I believe that the fact of denominational schools not being encouraged to put themselves under school boards is the secret root of the bitterness from which ill-feeling has sprung, and that the agitation against the 25th clause of the English Education Act is rather a symptom than an effect of the bitterness. The question of whether the denominational grant is to be increased, and thereby every inducement is to be removed for the adoption of a system constructed with so much care, is the very thing and turning point of the measure. I therefore would appeal to the Government in as direct a manner as the forms of Parliament will permit, to reconsider their determination, if they have resolved to repeat in Scotland the policy they adopted in England in the year before last. I do this the more because I am convinced that the Scotch people are not thoroughly aware of the importance of this question, and are not attracted to the Bill, because they may think the denominational grant is about to be increased. I am aware we shall be told that the Free Church are anxious to come into some such arrangement, and that she finds, according to the Commissioners, the support of her schools a great and increasing burden upon her strength; but when the Commissioners made the Report to which I am referring, there was no talk of the grant to the Free Church schools being increased, and the question now is, whether the Free Church will be able to resist the enormous temptation of only having to pay £25 where they now have to pay £50. Let us consider whether it is worth while to mortgage our national education for a sum which is not more than the cost of a gunboat or the pay of a battalion in the Army. I cannot myself perceive any argument in favour of increasing denominational grants. Before leaving this branch of the subject, I wish to observe that when the Bill gets into Committee I shall give

Mr. Trerolian

hon. Members an opportunity of voting against the increase to which I refer, and also to vote against allowing any new denominational schools to receive grants from the public purse. I, however, would congratulate the Lord Advocate upon the courage he has displayed in having used the word "denominational" with regard to these schools, instead of having veiled their attributes under the euphonistic title of "voluntary." The Commissioners, in the Report to which I have referred, express the opinion that in Scotland the denominational system is unnecessary, and recommend its abolition; and if the Government have anywhere obtained an opinion which traverses that recommendation, they can only have done so from Ireland, where Roman Catholic electors pledged themselves to oppose the election of any candidate who refused to uphold denominational education. This declaration preceded the *pronunciamento* of the Manchester Conference, and may, perhaps, be taken as excusing the strong stand there made. I am delighted to find that the Government has pledged itself, in framing this Bill, to many very excellent proposals—the first of which is an uncompromising enforcement of compulsion. I can only hope that a general acceptance of this principle in Scotland will strengthen the hands of those who wish to see compulsion enforced at this end of the island also. I am sure that all who take an interest in this question will be glad to see the steps in advance which are taken by this Bill, one of the most important being the vindication of the right of the State to take control of the educational training of the children. I am glad, Sir, in this place to say that the Bill has courageously placed educational matters in the hands of the public themselves. As an advocate for secular education, I never could have held up my hand for that Bill until I saw the first list of Inspectors under it. Of those 13 gentlemen—though none of them, I regret to say are Nonconformists—every one of them is a layman. But we are told that our constituents take a different view on this subject. I am quite sure that our constituents have a strong feeling on this subject; but whatever the feeling of our constituents, the duty of the Members is clear. I am sure that they are anxious to have a Board in Edinburgh. The Scotch people have

no great love for that. They show a generous repugnance to getting public money for national purposes out of the Imperial Treasury. I do not know whence that feeling comes; but there is a reaction against that infamous policy by which Scotland was governed at the end of last century and the beginning of this. Whence it comes, however, it matters not, so long as we find it to be a great preservative of political independence, morality, and purity. Whilst the Government is about it, making the Inspectors undenominational, let them make the training schools undenominational too. We have a right to demand it, because the larger portion which comes out of the national pocket goes to the support of the training schools. The expenditure in 1870 for the schools connected with the Established Church was—by subscription, £725; by Government grants, £7,549; for the free normal schools the subscriptions were £81; and the Government grant, £8,286; and to the schools connected with the Episcopal Church the subscriptions amounted to £301; and the Government grant to £619. That is to say—in the case of the Established Church we pay £10 for educating teachers in the principles of the Established Church to every £1 that the Established Church pays itself; in the case of the Free Church, for every £1 we pay £100. As to the advisability of this—what sort of masters do we want for these schools? I shall quote to the House the words of the right hon. Gentleman (Mr. Forster) himself. He says—

"We want good schoolmasters. These schoolmasters should not feel themselves fettered in any way. Children of these ages could hardly be supposed to require doctrinal or dogmatic teaching to any great extent. The way to get such is not to bind them over to a particular sect, as a condition of their entering their profession, to ply them at intervals during training with minute recitative points of doctrine, to bid them show from Scripture that the Real Presence is essential to salvation, and that the words 'Protestant faith' indicate a ridiculous impossibility, and finally send them stamped, sealed, and invoiced with the title of a particular denomination. We want those who, as schoolmasters, teach faith; who are religious men—not mere members of a sect."

Surely national training schools are possible in Scotland—in Scotland, whose boast used to be that elementary schoolmasters were members of those national Universities where men of all shades of

theological belief meet in the same classes with equal rights and privileges as students, and, meeting together, learn to respect and esteem one another—surely in Scotland we can be allowed to have undenominational training colleges. In the opinion of the Commissioners, whatever may be the general school system of Scotland, the money now paid by the heritors must be permanent. The amount is now £47,000 a-year, and in Scotland a halfpenny rate brings in £30,000. To say that the people of Scotland should be saddled through time immemorial with a three-farthng rate in order that the landowners may be saved, is an injustice to the people; and more than that, it is a libel on the landowners. The Scotch landowners proved how little they wished to escape burdens of that nature by going into the lobby to prevent their obtaining the relief which would be afforded by the measure which the Member for Edinburgh creates so much controversy by calling "the abolition of Church rates." Are we to choose this time to throw away the noble heritage bequeathed by the nation to her children at the moment of a great religious deliverance, and hand it gratuitously to men, the majority of whom pocket it with reluctance? And now, Sir, I approach the last point. We may utilize our experience of the English Bill by refusing to abnegate our functions as an Imperial Parliament, and throw those functions on the backs of the school boards. We know what the effect of this has been in England. It has been the source of great bitterness, strife, and animosities, and we know likewise that the evil has been greatly aggravated by the culminating vote. This latitude of function was far too great for the shoulders of Parliament. Then, how far too heavy was it for the school board under the extra aggravation? The almost lamentable effect of it was to keep out from the school board all the prominent educationalists, and to elect denominationalists—in some cases men not at all distinguished for their capacity. Why, in Manchester, two of the most successful candidates were Catholics; whereas men that had taken the greatest interest in education were either left out or came in at the bottom of the poll. If in English villages they contend as Calvinists and Huguenots over this bone of contention, what will

be the result in Scotland, where the mind of the people is well known to be passionately fond of argument, and where they are constitutionally unable to yield one jot when the question is a matter of principle. Therefore it is that my hon. Friend wishes to put Scotland in as good a position as England, of transferring the 11th clause, enacting that no religious catechism or religious formulary, which is distinctive of any particular denomination, shall be taught in the school. We shall be told in the House by one Member of the Government that the Scotch peasant is looking forward with great pleasure to catechizing his children when they get home, and we shall be told in the lobby that the Scotch constituencies insist on formularies. Sir, the Scotch people have been very much misrepresented in this matter. They are quiet folk, and not over fond of holding public meetings, and that indisposition has been strengthened by those gentlemen who have been scouring the country, and holding meetings in the interest of denominationalism, which they call the interest of the Bible. They appear to have less affected the people of Scotland than the framers of this Bill. It is a great misfortune that on occasions like these there is such an excitement of Synods and Presbyteries, because the national voice comes to Parliament through the medium of strictly ecclesiastical bodies; but even those assemblies are by no means unanimous. Mr. Adam Black, in his admirable Appendix to the Report in question, says—

"The United Presbyterian Church, which comprises about one-fifth of the population, have always declared their preference for a national system, and I know that large numbers of the ministers and elders of the Established Church hold the same view."

Now, Sir, I maintain that if you appeal, not to any large body of clergy, afraid of each other and of their own position, but to the people, you will find that they want religion for their children, but not the religion of the catechism, but the religion of the Bible. The Report says—

"The religious, as distinct from the ecclesiastical difficulty, seems to have no real existence. Presbyterians of all denominations—Established Church, Free Church, United Presbyterians, Independents, and all other sects—send their children to the same school as the Episcopalian and the Roman Catholic."

Mr. Trevelyan

Those itinerant denominationalists affix a cruel stigma to undenominationalists by saying that they are opposed to the Bible. I should almost like to move for a Return for the number of quotations which have been made during the last three months by these gentry from the *Cotter's Saturday Night*. In Glasgow, a gentleman who seconded a resolution concluded—

"A virtuous populace may rise the while,
And stand a wall of fire around our much-loved
isle."

The next speech contained at first no flowers of poetry; but a little further on we find the orator illustrating the beauties of the parochial system by assuring us that—

"However crowns and coronets be reft,
A virtuous populace may rise the while,
And stand a wall of fire around our much-loved
isle."

In that celebrated poem a most faithful picture is drawn of the Scotch home circle, and no one can depreciate the importance of having Burns on his side. What is the course of family worship? They began by singing psalms to old Scotch airs—for Burns preferred them to Italian airs—such as "Dundee" and "Elgin." Then comes the reading of the Bible, on which the poem dwells with special fondness; and then prayers. Then the children are examined, and the father delivers to them certain injunctions—obedience to the schoolmaster, diligence in their studies, and closes with a very touching, and certainly most undenominational exhortation to the fear of God. I most certainly protest emphatically against this practice of dragging the sacred name of the Bible into dogmatic controversies. While I am on this subject of manufacturing political capital in an offensive form out of matters which are not fit subjects for controversy, I must protest against speeches in which Lord Shaftesbury and others endeavoured to insinuate a charge of disloyalty to the Royal Family. We have recently been referred to the case of some continental countries, where they have retained the principles of denominationalism; but it seems to be forgotten that in those countries the struggle is not between Liberalism and Conservatism, but between Ultramontanism and liberty of conscience. On that subject I can assure the Government we entertain a stronger feeling than that of party, and most

earnestly do we protest against any provisions which, by their operations, will cramp or limit a system worthy of the acceptance of Scotland.

MR. C. DALRYMPLE said, his hon. Friend (Mr. Trevelyan) deprecated a controversial tone; but he appealed to those who had listened to the latter part of his speech to say whether it was calculated to dispel controversy. His hon. Friend had been very severe upon the hon. Member for Nottingham (Mr. A. Herbert); but little as he (Mr. Dalrymple) agreed with the hon. Member, he was glad he had put his Amendment on the Paper, for it showed that the debate was not to be conducted by Scotch Members alone, but that the question was to be treated as an Imperial question. He repudiated the notion that any Bill was better than none, and could not allow that a sweeping measure such as that before the House could be accepted as better than none. Certainly it was the duty of the Government to supply a better system than that they proposed to abolish; but, above all, not to pull down before they had built up. The Bill attempted far too much. It was well to establish school boards in the boroughs where they were needed; but in the country districts not only were educational means abundant, but it would be difficult to find material for boards. The desire for symmetry had evidently carried the Government too far in this respect. The non-appointment of school boards in the country districts would not destroy the uniformity of the system; there would still exist under the Bill national schools and side schools supported by individual liberality. As regarded compulsion he endorsed the remark of the hon. Member for Edinburgh University (Dr. Playfair) on Tuesday, that it was impossible to have compulsion without religious education. He could not congratulate the right hon. and learned Lord Advocate upon his policy; he had exaggerated the religious difficulty, and had taken refuge in silence. "Let us say nothing about it," said the right hon. Gentleman; "relegate the question to the country, and say—'We give you full liberty to do as you like.'" The conduct of the Government in that respect was another instance of what the right hon. Member for Buckinghamshire called "intrepid plausibility." The Government knew very well that if there were no examination in religion, and,

consequently, no payment on account of excellence therein, the masters would neglect religious instruction, and to that extent the system would be unpalatable to the Scotch. With regard to the Time Table Conscience Clause, it appeared to him that if that provision was superfluous, as had been alleged by the Lord Advocate himself, it was a pity to impose upon a great number of persons that which was offensive to their feelings; and that it was unnecessary to insist upon it in this Bill merely for the purpose of making it statutory, if it was true that there was always a practical time-table in the schools. The only difference between the existing system and what it would be under this Bill was, that at present there was the liberty of carrying on religious instruction at such periods of the day as might be convenient, while it was now to be confined to a short half-hour at the commencement or the end of the day. What little was said in regard to religious education in this Bill appeared to be confined to prohibition; but there were people who desired to cut down even the little liberty that remained. Recently a deputation had waited upon the Lord Advocate, which purported, as all deputations did, to represent the opinions of the majority of the people, and which was attended by eight Members of Parliament, when one of the speakers, a learned Professor, of whom he desired to speak with every respect, urged that the Bible ought to be taught in the schools without dogmatic note or comment. But the distinction thus drawn was, he (Mr. Dalrymple) believed, far too subtle for ordinary minds, and he need say nothing on this point after the crushing exposure the principle received on Tuesday night. The course pursued by the Government—this negation of the teaching of the Bible—apart from the disrespect shown to the Bible and the bad effect such a principle must have on the mind of the teacher—would only lead to an increase of the sectarianism which they professed themselves so anxious to check. The whole subject of religious education, as dealt with by this Bill, was thoroughly unsatisfactory: it gave nothing in the way of facilities and opposed everything in the way of prohibition, and he, for one, would be no party to any plan which made the religious instruction of children contingent upon the mere chance of the majority of a school board consenting

to permit it. Upon this subject he earnestly trusted that in the course of the Bill through Committee they might obtain some more satisfactory provisions than the Bill at present contained.

MR. M'LAREN said, that if it came to be a question whether they should have no Bill, or that this Bill should pass, he should vote for its passing; but that was no reason why they should not endeavour to point out the faults and blemishes in the Bill, in order to their amendment. He thought the people of Scotland had been to some extent misled by the allegation that the Bill was to be managed entirely by the Privy Council Board in London. A large number of the people were in favour of that course; while another section—perhaps the larger—proposed that it should be administered by a Board resident in Edinburgh. There was, however, another plan supposed to be shadowed forth though not designated in the Bill, which had not been explained to the House. It was said to be intended that there should be an intermediate Board between the Board in London and that at Edinburgh; that three or four gentlemen were to be appointed, with large salaries, between whom Scotland was to be divided, and each of those gentlemen was to report respecting his own department to the Privy Council. The authority was supposed to be contained in the 3rd clause, which enacted that it should be lawful for the Scotch Education Department to—

“Appoint such officers in Scotland as they shall judge necessary to perform the duties connected with the said Department which it shall be deemed proper and convenient to be performed there, and the said officers shall be subject to the control of the said Department, and may lawfully perform any duties of the said Department which shall be committed to them respectively by the said Department, and the expenses of the said officers shall be deemed part of the expenses of the said Department.”

Now, nothing was said here about the number of officers, but that information he found supplied at the interview of a deputation to the Lord Advocate a short time ago. His right hon. Friend said it would be necessary to appoint officers in Scotland—men of high-class qualifications—to advise the Government as to the different districts, and particularly at the commencement. Now, it was clear that these men were a sort of Archbishops, who were to administer this Act; and if that were so, they ought to

Mr. C. Dalrymple

have some information as to the probable amount of the salaries they were to receive, because all this work which was to be allotted to them was done in England by Inspectors ; and he submitted that, if Inspectors could do the work for 22,500,000 of people in England, there could be no difficulty in the way of Inspectors doing it for 3,500,000 of people in Scotland. In addition to that, names were freely mentioned in Scotland of parties who were to be appointed to this dignified office. If that system were to be adopted, it would be far worse than the Edinburgh Board. He would twenty times rather have a Board that was responsible than have an irresponsible Commissioner going about all parts of Scotland, sending confidential reports to the Privy Council, and the Privy Council acting on those reports without anybody knowing what they were. As to the subject of religious education there were many different views taken of that matter in Scotland. There were some who advocated a secular system of education ; others were willing to take the Bill as it stood ; others urged that religious education should be provided for in the Bill. He wished at the outset of this part of his remarks, to urge strongly that it was a great error to suppose that those who advocated secular education were men who did not care for religion. The very opposite was generally the case. He might mention an instance in the city which he had the honour to represent. One of the oldest citizens, a gentleman long well known in that House—he was a Sunday school teacher for half-a-century—he was in favour of secular education ; and there were others—men well known and distinguished for their piety—who advocated secular education on the ground that the religious education given in the great majority of schools was little better than a sham. The denominational schools in Scotland, he ventured to think, ought not to be encouraged to continue as denominational schools; but, on the contrary, they should be encouraged to merge themselves in the national schools. With that object in view he had put an Amendment on the Paper, by which it would be provided that no State grant should be given to the existing denominational schools. His own Amendment, however, he should be happy to withdraw in favour of another

Amendment more happily worded, of which Notice had since been given by an hon. Friend. He held that the great defect of the English Act of 1870 was that in place of encouraging denominational schools to merge themselves in the national system by increasing the Government allowance, it tended to maintain them. But whatever might have been the state of things in England, that could not apply to Scotland, because there, with the single exception of the Roman Catholics, all other denominations held substantially the same views. He did not except even the Episcopalians, for he was told by those who knew better than he did, that the Confession of Faith in the Church of Scotland was the same in principle as that contained in the Thirty-nine Articles of the Church of England. Therefore, apart from external appearance there was no real difference. With the exception, therefore, of the Roman Catholics there was no substantial difference of creed in Scotland. But as to religious teaching, he objected, as his hon. Friend near him (Mr. Trevelyan) had already done, to anything being taught in these schools of the character of a catechism or similar formulary. He could not imagine why the Government, after prohibiting catechisms from schools in England, should leave the question to be fought over and over again in every one of the thousands of school board districts. In parishes where a large number belonged to the United Presbyterian Church, who generally objected to those formalities, and others to the Free Church, or the Established Church, or the Independents, and other bodies, it would depend upon the relative proportion of those persons who might be elected to the school board whether the catechism should or should not be used. He said, then, that whatever rules were made with respect to English schools should be proposed also in Scotland. At the same time, he was clearly of opinion that the Bible should be taught and not read merely. A simple reading of the Bible to young children without any explanation, or at least the same pains bestowed upon it as any other book, was a perfect mockery. He believed the schoolmasters to be honest men, and that it would be to their interest to teach in unison with the feelings of those who appointed them ; and he did not believe that there was a schoolmaster

the school system are ever active, while its friends are regardless of the issues at stake. Could more interest be aroused greater advancement would be made. Then low salaries, short school terms, incompetent teachers, careless directors, indifferent patrons, bad schoolhouses, and many other hindrances would be among the things of the past. This apathy is sucking the life blood from our institutions, and unless the evil is removed their overthrow is certain."

Some hon. Members seemed to think that compulsion would produce regular and prompt attendance at school; but that did not follow. For himself, he did not share the opinions of the noble Lord the Member for Huntingdon (Lord Robert Montagu) as to compulsion; on the other hand, he hoped the time was not far distant when they should have everywhere a moderated and carefully-adapted system of compulsion, and when half time would be made universal—not necessarily affecting every half day or alternate days, but securing to education so many days in the year. Something like this they had in the manufacturing districts; he hoped soon to have it in the mining districts, and that before long the same principle would be adopted in the agricultural districts. When that should be the case, he thought the country would be prepared to accept a generally compulsory statute. On the effect of compulsion, however, he wished to read the following passage, quoted and endorsed by Mr. Philbrick, superintendent of the schools of Boston, from the Report of Mr. Northrop, agent of the Board of Education of Massachusetts—

"No fact connected with our public schools has impressed me so sadly as the extent of truancy and non-attendance, and the strange apathy of the public as to this form of juvenile crime. This great evil calls loudly for a remedy. In a few towns the laws in reference to truants and absentees from school are faithfully executed, and with the happiest results, while in others these laws are overlooked or utterly disregarded."

The following extract from Mr. Philbrick's Report showed that we must be prepared for a considerable expenditure in the carrying out of universal compulsion—

"The fact is that some parents will not send their children to school; they want their services to procure chips, or beg, or steal, in fine, to get anything in any way they can. If a school be established for them, it would require 50 constables, each possessing extraordinary vigilance, to catch them every morning and bring them to school. They will not attend school unless they are deprived of their liberty. My experience has

satisfied me that the industrial school is the only one that will be of any service to this class of children."

It was asserted by some that if we expelled religious teaching from our schools there would be entire unanimity as to the remainder of the subjects to be taught. But he challenged this suggestion. Professor Kingsley had ceased to be Professor of History at Cambridge because, as he said, the more he studied history the less he found he knew of it. Was there no difficulty in teaching history in Irish schools? In a model school in Dublin he had heard boys rehearse, with true Irish eloquence, the tale of Waterloo and that of the Battle of the Nile; but what might have ensued if one had told, with genuine Irish pathos, the tale of the Battle of the Boyne, and another had narrated in dramatic fashion the events of the Siege of Derry? Even in the accurate science of mathematics there was now an excited controversy as to the definition of a straight line; and in classics there was great doubt as to the manner in which Latin ought to be pronounced, and old scholars could hardly recognize "*Arma virumque cano*" in the pronunciation of new teachers. There were some who seemed to regard religion as a series of facts, rather than as an influence. Now, anyone who had studied history would agree with him when he said that Christianity was a force of great power in the world, which had done much for civilization, and that mankind had greatly advanced under its influence. He would venture to say that there was no power of ancient or modern philosophy which could compare with it for controlling the passions of the people or elevating their position. The hon. Member who had introduced the Amendment said he did not care for the wishes of the nation. He believed the hon. Member had no sympathy with any one of the nations which formed the United Kingdom. He had no regard for the feelings of Scotland or Ireland, neither had he any regard for the feelings of England, where no doubt there existed considerable apathy on the subject, but where the paramount feeling was in favour of the principle of affording fair opportunities to every parent in the country to have his children taught in the day schools according to the precepts and doctrines of the Christian faith.

Mr. F. S. Poole

MR. GRAHAM said, he would not detain the House longer than to recall its attention to the real subject of debate. He had already on a previous occasion expressed his approval of the Bill, and his belief that, to a large extent, it was approved by the Scotch people, and he had seen no reason to alter his opinions; he was still desirous of seeing the Bill pass a second reading, and dealt with in Committee, although he must confess that the text of the Bill did not answer fully the expectations raised by the speech in which it was introduced. No doubt it provided education for the Scotch people sufficient in quantity, but he doubted whether it took adequate guarantees for the quality. If there was one thing more than another on which the people of Scotland looked with satisfaction, and which they desired to conserve with the utmost jealousy, it was their ancient educational superiority. Scotland had possessed for centuries a system of education very simple, inexpensive, and humble in appearance, but which, nevertheless, afforded to all classes, down to the very poorest, the means of giving their children not only the instruments and elements of education, but a good education itself, so that the village school was the porch of the higher school and of the University. The superiority of the Scotch system had been acknowledged on all hands, and notably the Vice President of the Committee of Council had on more than one occasion expressed himself envious of it for England. In all the discussions it had been shown that the Scotch were anxious above all things that the standard of their education should be maintained, and next that it should not be subject to the interference and control of the Privy Council. He had hoped that the Lord Advocate would not have brought in a less favourable Bill this year than he had introduced last year, and therefore he had been greatly disappointed at finding that the right hon. Gentleman had omitted from the present measure the provisions contained in Schedule C of last year's Bill, which were calculated to maintain the present standard of Scotch education, and had not provided any substitute for them—an omission that, in his opinion, was a very serious blot upon this measure. The Scotch, no doubt, did not desire that the same standard of educa-

tion should be maintained in all the schools, but the omission of any such provisions as were to be found in the Bill of last year shook his confidence in the security given for the maintenance of that which they so greatly valued. The Scotch Bill had been spoken of as likely to exert a beneficial influence on the English system; but, instead of the Bill being a lever to elevate the English standard, he was afraid it might have an opposite tendency. Some institution distinctly Scotch in its constitution ought to be interposed between the Privy Council in London and the Scotch school boards and schools, with the view of maintaining the Scotch standard of education. In other matters the Lord Advocate had shown a praiseworthy desire to meet and reconcile the various views which prevailed among the Scotch people; but as to the right of control over their own affairs, and as to the maintenance of a high standard of education, he was afraid that the right hon. Gentleman had surrendered himself entirely to the influence of the Privy Council. Over the selection of the so-called Scotch Educational department of the Privy Council neither the people of Scotland nor that House had any direct control—it would be made in the inviolable secrecy of the right hon. Gentleman's room—and who could guarantee that the control over that department might not pass into the hands of those in whom the people of Scotland had no confidence? On these points, therefore, he could not help regarding the Bill as being defective. Again, he was sorry to find, from an interview he had had with a deputation of teachers who had come to London, that an apprehension existed that their interests were not properly protected, and that they were liable to dismissal at the caprice of the school boards or of the Inspectors. Looking at the importance of maintaining the status of teachers, he trusted that the right hon. Gentleman would introduce such Amendments in the Bill as would afford those persons the security which their education and position demanded. The next subject he desired to advert to was the important one of religious education. Here he must remind the House that practically the religious difficulty did not and never did exist in Scotland, although it had been quickened into a sort of theoretical existence by the introduction of this new

were established, and in the few charters of the schools receiving Parliamentary grants there was a distinct obligation upon the managers to teach the Bible and the Catechism, as well as reading, writing, and arithmetic. Roman Catholic parents, moreover, except in very few instances, did not object to their children attending the Bible class in the parochial schools—indeed, he had known them **insist on their doing so**. The schools, being thus denominational, were consequently voluntary, and even the heritors' contribution was partially so, for whereas they were only required to pay £35 per annum to the schoolmaster, they usually gave considerably more, or the £50,000 which had been mentioned would not be made up. A compulsory rate would of course alter the position, by including not only voluntaries, but all those who objected in theory to the State paying for religious teaching. Many of them, however, like the hon. Members for Edinburgh and Glasgow, did not object to the use of the Bible in schools. Roman Catholics, too, would object to Protestant teaching. Taking into account, therefore, all the difficulties which must arise he had come to the conclusion—and he believed it was the legitimate conclusion—that under a national system of education they should have united literary and moral instruction and separate religious instruction. Under such a system he believed religion could be more efficiently taught than at present. Not that he demurred to the State ministering to the spiritual wants of the people; but this, in his view, was already done by the support of the Established Church; but what was logically correct was often not expedient, or not in accordance with the feelings of the majority of the people; and he believed the great majority of the people of Scotland wished that the Bible, and it alone, should be read and taught; and in deference to them he would waive his own opinion as a secularist, as he had been called, accepting the proposal that the use of the Bible should be imperative, and that formularies should be excluded. As regarded the other points of the Bill, he wished to allude to the suggestions of the hon. Members for Edinburgh and Glasgow with respect to the maintenance of schools. Up to this they had an admirable system in Scotland, for which the heritors had paid

some £50,000 a year. Was this sum to be thrown away, or put into the heritors' pockets? He thought it would be folly to throw it away, and that there was no justice in abandoning it for the benefit of the heritors. The heritors' contribution should be continued, and he approved the suggestion of the hon. Member for Edinburgh (Mr. M'Laren) on this point. A central Board should be formed, composed of heritors, with a representation of the ratepayers in case their contribution had to be supplemented by rate. This would be a simpler and more efficient machinery than the local boards created by the Bill. Then, as regarded schoolmasters' houses, the bill proposed to make the maintenance of schoolmasters' houses optional after their present occupants had vacated them; but it was sometimes difficult for a new-comer to find a suitable dwelling. He thought a provision should be made compulsory, that there should be no school without a good schoolmasters' house. The Bill omitted to provide compensation to masters whose schools were discontinued by the local board. This, he presumed, was an oversight—it could hardly have been meant that they should be sent adrift upon the world. Then, with regard to the removal of schoolmasters, it was proposed to make a schoolmaster removable for inefficiency or incompetency on the certificate of an Inspector; but he would advocate the retention of the right of appeal to a second Inspector as at present allowed by the Privy Council; the master might otherwise be the victim of personal pique. The Bill provided that he might appeal to the local board for a public inquiry, and that on the evidence then taken he might appeal to the Court of Session. Now, members of a local board were not accustomed to take evidence, and he should move in Committee that a qualified assessor take the evidence in such cases. It did not plainly appear whether a master would be entitled to a Privy Council grant, or whether, if so, the local board might deduct such amount from his salary. It was important that his interests should be guarded. As to the denominational clause, grants were not to be made in respect of religious instruction; but how was this consistent with the present charter obligation to teach the Bible and the Shorter Catechism? He thought it would be a gross injustice to deprive

these schools of grants. Gentlemen gave their money on the distinct understanding that religion should be taught in these schools; yet here was a Bill which broke faith with those gentlemen, and said these schools should not receive grants if religious instruction were imparted in them. [The LORD ADVOCATE: "No, no!"] He thought one of the best parts of the Bill was the compulsory clause, and if the Amendment which had been shadowed out by his hon. Friends about him were adopted he believed they would make this a good Bill for Scotland.

SIR GRAHAM MONTGOMERY said, that before proceeding to state the objections he had to the Bill, he would remind the House of the various attempts that had already been made at legislation on this subject. Before 1864, when the Royal Commission was appointed to which allusion had been made, there were several attempts made to deal with the question of education and legislation; but they all ended in failure. That was principally because the parish schools, which had done so much for Scotland, were attacked, and were not left, as he thought they ought to have been, as models for the other schools which were to be set up. This failure of legislation led to the appointment of a Royal Commission, and some of the ablest men in Scotland were placed upon it. By this means valuable information was obtained as to the state of education in Scotland, and a Bill was recommended by which the defects in the system in education were to be met; and his principal complaint against the Government now was that they had not followed the plan of that Commission. The Commissioners proposed to leave the old parochial schools much as they were, calling them old national schools, and that new schools should be set up and called new national schools, and that the existing denominational schools should be "adopted" and called "adopted national schools." Very excellent machinery was recommended by the Commissioners, by which the three sets of schools would be gradually put on the same footing; so that in the course of time there would have been a really national system of education. There was a Bill brought into the House of Lords to effect that object, based upon the Report of the Commission; but when it

was brought down to the House of Commons, in consequence of mismanagement of the Government, its progress was so delayed that the House of Lords declined to consider the Amendments made in that House, and the Bill was lost. He had always considered that an excellent Bill. It had one objection—it did not deal with the religious difficulty. It left it in doubt whether the Bill was one to secure religious education or not. There was great apathy in the country at that time, which he was happy to say did not exist now. Last Session another Bill was introduced in this House; but in consequence of the overwhelming pressure of other business, it was not proceeded with. That Bill entirely ignored the recommendations of the Commissioners. The Lord Advocate had treated Scotland as if there were no system of education in it at all, and produced a measure which he was sure would give very little satisfaction to the country. It would give very little satisfaction to the people of Scotland to know that the Bill of this year was much the same as the Bill of last year. In that year there were 903 Petitions signed by 70,000 people against the Bill; whereas the total number of Petitions in favour of the Bill was only 51, signed by 4,860 persons. When, therefore, the Lord Advocate found that Bill so unpopular, it did astonish him that he should have brought in another in substantially the same terms, and that he should have ignored altogether the recommendations of the Commissioners. Another objection to this Bill he had was to the sweeping character of the changes it effected. It left nothing alone. It established a school board in every parish. Why should they in Scotland be compelled to have school boards, when in England these were left optional? It seemed to him that in this respect Scotland was to be made an experiment for England, to see how these boards would work. He objected to those provisions entirely. It seemed to him that it would be much fairer if school boards were established in those parts only where there was an ascertained deficiency in education. The parochial schools had worked well in the country, and he did think that the Lord Advocate would have done much better to have adopted the recommendations of the Commissioners in this matter, instead of attempt-

Mr. M'Lagan

ing to force upon the people those various school boards. There was another point of detail in which he differed from the Lord Advocate—that was, as to the way in which the schoolmasters were proposed to be dealt with. At present, the schoolmaster had a minimum salary attached to his office. This was the first Bill on which there was not to be such a minimum salary. What sort of teachers would they get if there was no fixed salary to depend upon? It seemed to him they would have in the course of time a very inferior class of men. It was quite clear they would not have the present parish schoolmasters, when they could have no certainty for the continuance of their office. With regard to another point—the people of Scotland were unanimous in favour of establishing a Board of Education in Edinburgh—for such a Board would be far more likely to know the wants, feelings, and wishes of the people in respect of education than a Board sitting in London. Then, as to the question of finance—he had to complain of the great addition that was made to the number of officers. First of all, they were to have a returning officer for the education school board. Then they were to have a treasurer, and then a clerk, who would also be paid. He did not know whether the same man was to do the two offices. Then there was to be an additional officer to compel children to go to school, and his salary would entail an additional expenditure. These were the principal objections he had to urge. He would not detain the House further; but he hoped that the Bill would be very considerably altered in Committee.

Mr. GOURLEY said, it was not his intention to vote for the Amendment of the hon. Member for Nottingham (Mr. A. Herbert), neither was he prepared to support as a whole the Bill of the Lord Advocate, inasmuch as it proposed to perpetuate the denominational system which was now being carried out under the provisions of the English Education Act. If this system were adopted in England and Scotland, there must be denominational education in Ireland, and the Government must yield to the demands of the Roman Catholic clergy—in other words, there must be "concurrent endowment." In the town which he represented great bitterness had arisen under the Act of 1870; and many

of the advocates even of the denominational system admitted that unless the Act was amended, there would year by year be increasing religious animosity such as ought not to exist in any civilized community. He hoped, therefore, that the denominational clauses in the present Bill would be modified so as to avoid in the large towns of Scotland the bickerings which had unhappily grown up in England. He could not understand how the Bill as it stood could be supported by Members coming from Scotland—a country which boasted of having secured for itself a purely voluntary system, apart from State support.

MR. FORDYCE said, he agreed with the remarks of the hon. Member who had just sat down (Mr. Gourley); but he could not vote for the Amendment of the hon. Member for Nottingham (Mr. A. Herbert), for he should be sorry to see the Bill thrown out. He confessed he was one of those persons—and he believed there were not a few in Scotland—who scarcely knew whether they wished the failure or the success of the Bill as it at present stood. On the one hand, he was ready to admit it was the best Education Bill which had ever been offered, or which they were likely to have offered to them. He also admitted it was a Bill the machinery of which would work smoothly in Scotland; and that not only would the working of its machinery be successful, but that it would cope successfully with the mass of ignorance which existed in Scotland. Those were very great advantages; but he felt very deeply that there were disadvantages which counterbalanced them—he felt that the price they were asked to pay for the Bill was a very heavy one. What was that price? That they should consent to a system of what was, in his opinion, nothing less than one of concurrent endowment, and that they should sanction the indefinite extension of a system of paying taxes and rates for supporting sectarian and religious instruction. In other words, they were asked to pass an Education Bill which was opposed to the principles of the people of Scotland. If the Scotch system of education was to have been remodelled, it should have been remodelled in the direction of a more truly national system, which the ratepayers could have supported without any violation of the rights of conscience.

He believed the religious instruction of the people of Scotland could be very safely left to the people themselves and to the Churches of Scotland, and that if that had been done, the people of Scotland would have risen equal to the occasion. He sympathized very much with the schoolmasters, because he did not think the Bill gave sufficient security for their independence—it was his conviction that the school teachers in Scotland would be starved where the poor rates were high. His experience of education boards in rural districts in Scotland was that they might be depended upon, except where they were asked to put their hands in their pockets. In the case of a parish where 6d. in the pound and a school rate of 6d. was imposed, the parents thus taxed could not afford to pay fees, and thus one source of the teacher's maintenance would be cut off in many cases. Then, last year the amount of the grant was stated, but this Bill left it quite indefinite. The teachers, in many cases, would merely have their salaries to depend on. He thought there were many deficiencies and shortcomings in the Bill, which he could not help thinking had been very carelessly drawn. For instance, in the Bill of last year provision was made for the case of poor parishes in the Highlands; but this had now disappeared, and not only so, but a sum amounting, he believed, to £700 per annum, which had hitherto been devoted to such a purpose, was now proposed to be withdrawn. He hoped that the Amendment would not be pressed; but there were several Amendments suggested on that side of the House which he thought might be advantageously adopted in Committee.

MR. ORR EWING said, that the hon. Member for Nottingham (Mr. A. Herbert) had made a very startling and extraordinary statement—namely, that Members of the House were not to consider or be influenced by the opinions of their constituents, or of the country—but that they ought to act independently of opinion out-of-doors. He thought he might safely leave the hon. Gentleman to his constituents, who would doubtless take him to task on the subject. His right hon. Friend the Lord Advocate was actuated by no such motive. Anyone present when the Bill was brought in must have been struck with the earnestness, nay,

almost the solemnity, of his manner. His right hon. Friend felt the importance of the question, the responsibility of endeavouring to deal with it, by the difficulties which he would have to encounter. These difficulties his right hon. Friend had greatly increased by an endeavour to serve two masters—namely, the people of Scotland and the Birmingham Education League. But when his right hon. Friend appealed to both sides of the House to yield a little of their own opinions for the sake of the 92,000 who were growing up in ignorance in Scotland for the want of an Education Bill such as this, he heartily sympathized with his right hon. Friend. He was sure he spoke not only for himself, but for all on that side of the House, when he said that they would enter on a consideration of this great question impartially. He hoped that hon. Gentlemen opposite would meet them in a corresponding manner, so that they might all enter upon the consideration of the Bill in the spirit of that appeal, and laying aside all party or political motives, all approach the question with an anxious desire to do the best they could for the interests of their native country. Let them in that spirit consider what was the best system of education they could adopt, so that Scotland might maintain the high position she had hitherto held amongst civilized nations as a highly educated people, and the noble position she had held, too, in science, art, literature, manufactures, and agriculture—and, if it would not offend the hon. Member for Nottingham, he would say that Scotland was also distinguished for the fidelity with which her people preserved their religious principles, and for the loyalty and devotion they had shown to the Crown and to every constituted authority. He approved of many parts of the Bill—of the provisions of infant schools, and of the industrial and evening schools; also of undenominational and universal inspection, and of the means provided for building schools according to the requirements of the nation. He also approved of the clauses for compulsory education, although he feared that practically it could be only carried out by indirect instead of direct means. He would much rather reward the parents who educated their children, by allowing them to be employed at an earlier age than other children. The

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other alternative of sending the parents to prison for not educating their children would lead to many difficulties, and the result would be, as they had been warned in the case of the Vaccination Act, that the clauses could not be carried out, and would fall to the ground. He wished to correct some statistics quoted by his right hon. Friend the Lord Advocate, which appeared to him to be fallacious. The computation of 92,000 as the number of children who ought to be at school, but who were receiving no education at all, was a considerable exaggeration, arising from the fact that the Commissioners in their Report of 1867 assumed that the proper age at which the children ought to be at school was between three and 15. In Scotland, however, the children were rarely or never sent until they were about six, and the working classes generally removed their children as soon as 12. Where could these 92,000 children live? The deficiency of education must be in the cities and boroughs, for, with the exception of the West Highlands, the means of education were sufficient in all the country districts. In 1867 these districts had one child at school for every 6·3 of the population—a larger proportion than could be found in Germany or the United States. Yet the Lord Advocate by this Bill destroyed the schools of the very districts in which there was sufficient education. He destroyed the parish schools, which were the boast and pride of Scotland. It was said that the elementary education of Scotland was inferior to that in England; but that was because in Scotland more attention was given to the higher branches. As was shown by the Report in the hands of hon. Members, there was a considerably higher percentage of children who passed examination in reading, writing, and arithmetic in Scotland than in England. In England, the number of children who passed the preliminary examination in reading was 90 per cent; in Scotland, 98. In evening schools, the number that passed in reading was, in England 92, and in Scotland 98 per cent. In England, the children who passed in writing were 88, and in Scotland 91 per cent; in the evening schools in England 85, and in Scotland 86 per cent. In arithmetic, the children who passed in England were 75, and in Scotland 88 per cent. So that the elementary education of Scotland was superior to that of

England. The Lord Advocate had stated that the number of children at school in Scotland amounted to 313,000, of whom 88,000 were being educated at the parish schools and 224,000 at voluntary and other schools. These figures were very misleading to Members not acquainted with Scotland, and would lead to the impression that the Church of Scotland had only educated children to a small amount. Yet those hon. Gentlemen who proposed to sever the connection between the Established Church and the parochial schools—that connection which had existed for centuries—must well know what an enormous amount of good that Church had done by establishing schools in districts where no schools previously existed. In the Report of the Commission of 1867 it was stated that there were 4,451 schools in Scotland, of whom no fewer than 2,751 belonged to the Church of Scotland. On the day of examination 200,000 children were examined, and 214,000 were on the rolls. Now, what had the Dissenting bodies done? Out of 4,500 schools in Scotland, the "true blue" Nonconformists of Scotland had only 45. The largest portion of secularists belonged to the United Presbyterians, who had built only 45 schools, which were attended by not more than 3,114 children. If the United Presbyterians had done their duty with regard to schools in the same way as the Free Church and the Established Church, there would have been no want of education in Scotland, and the Bill before the House would have been quite unnecessary. But those who had so long lagged behind now came forward to offer every obstruction they could unless they should get their own way. Then there was another fact which deserved to be mentioned. It might be supposed that the United Presbyterians would refuse to partake of the public grants. But the schools in Glasgow which belonged to that body did partake of them. Well, then, having committed this little sin, why should not their consciences go a little further, and allow the great body of the people of Scotland the kind of schools which they approved? Much had been said about the religious difficulty. In Scotland up to the present time there had been no religious difficulty, for every school, whether belonging to the Free Church, the Established Church, or the United Presbyterians—even adventure schools,

which properly belonged to no Church, though often in charge of the parish clergyman—all taught the same way. The Shorter Catechism was taught in them, the Bible was read, and the precepts of the Bible were explained. Could there be a better evidence of the general feeling in this matter than the fact that in all Glasgow there was but one secular school, and that not a very large one? An attempt was made to establish a second, but it failed. For his own part, he did not see how education was to be carried on in Scotland unless the Bible were permitted to be read. The minister connected with the largest school in Scotland—a school comprising 1,300 children—observed not long ago that there the religious difficulty, as it was called, was no religious difficulty at all. There had, he said, always been a special hour for religious instruction, and he was not aware of any complaint. Among the 1,300 children receiving education, there were only 23 claims for exemption; and the number of those who objected to the common Catechism was only 2 percent of the whole. To show how catholic the spirit of Scotland was on that question, he might remark that in the parish schools 37,000 children belonged to the Free Church, 23,685 to the United Presbyterians, 1,680 to the Episcopalians, 5,380 to Roman Catholics. In the Free Church schools 10,605 belonged to the Established Church, and 974 were Roman Catholics. Further, of the 3,114 children in the United Presbyterian schools, 675 belonged to the Established Church, and 289 to the Free Church. From these figures it was manifest that there was no religious difficulty in Scotland. Parents sent their children to the nearest school, not caring whether it belonged to Established Church or Free Church, or to some other religious denomination. He was surprised that the Lord Advocate, who knew so well the facts of the case, should have said in introducing the Bill that he sympathised with the secularists. He was surprised, because he had read with considerable interest the speech of the right hon. Gentleman at Stranraer in the beginning of this year, in which he said that he regarded the religious question as one of the first importance, and that a child who was without instruction in religion would be unfit for his duties in this world, however humble they might be. Why,

then, did not the right hon. Gentleman stand up to his convictions, and when he knew that almost the unanimous opinions of his countrymen coincided with those views, why did he not bring in a Bill to give that religious instruction which the people of Scotland had, and should have, independently of any Bill? The right hon. Gentleman would reply that he must regard the consciences of other people, however few they might be; but he (Mr. Orr Ewing) would ask the right hon. Gentleman whether their consciences were not regarded in the Conscience Clause? The House was to pay attention to the consciences of secularists—to yield anything that they demanded. They who held with him (Mr. Orr Ewing) did not wish to force their religion on secularists; but secularists did not extend the same kind of liberality to them, taking for granted that they had no consciences. The secularists seem to take for granted that those who advocated a religious education had no conscience; for they supposed that secularism presented a neutral ground upon which every man could stand without doing violence to his conscience. He held that secularism was a religion. ["No, no!"] It was a negative religion. The difference between them was one of principle, and to endeavour to impose upon them a system of secular education, which they detested, was to do a most tyrannical and bigoted act. He was as much opposed in principle to his children being taught secularism as secularists were to their being taught the truths of Christianity. They were quite willing to accept a compromise—to make the system of education in Scotland unsectarian and national—but they were not prepared to make it irreligious. He believed that this Bill, so far from establishing a national system, would make the education of Scotland more denominational and sectarian than at present, and destroy one of the best systems of schools that ever existed in any country. He trusted the Lord Advocate would not go on with that portion of the Bill which proposed to exempt the landowners of Scotland from the contribution of a certain amount of money, and to supply the deficiency by contributions from poor occupiers. Taking into consideration the expenses to be incurred under the Bill arising out of the various elections for the school boards, the appointment of clerks

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and treasurers, and the erection of polling-booths, he asked whether he thought that the people of Scotland would be pleased with the burdens thus cast on them. He thought the right hon. Gentleman would do well to think over the suggestions which had been made by the hon. Members for Edinburgh and Aberdeen in that matter. He thought the true course would be to continue the burden on the land and liberalize to any extent they pleased the present boards of management. He desired to make a few remarks on the position of the schoolmasters as it would be under the Bill. The existing schoolmasters were a well-educated body of men, who had chosen an arduous though honourable profession. It required rare qualities to be efficient teachers of youth. A schoolmaster must not only be an educated man and possess the art of imparting knowledge, but he must have perfect control over his own temper, and be gentle and kind. One would have supposed that the learned Lord Advocate, who knew the difficulties attending the position of schoolmasters, would have sympathized with them and endeavoured to raise their status; but throughout the Bill there was exhibited an animus to injure and degrade the profession. As placed at present, under the charge of the heritors and minister, they received a fixed salary and were provided with a dwelling-house and garden. But the Lord Advocate would change all that. The Lord Advocate did not provide any dwelling-house or garden grounds for the schoolmasters—and, what was worse, they were to be elected subject to dismissal at the caprice of the local boards, without a trial or appeal. If the Lord Advocate proposed to deal in a similar manner with the sheriffs, what would Parliament House in Edinburgh say? The salaries of schoolmasters had been increased from time to time, till in 1861 £35 was fixed as the minimum and £70 as the maximum. But the Lord Advocate changed all this without complaint from any quarter, and even in the face of remonstrances from his friends, the United Presbyterians. His scheme was entirely a whim of his own. What did he expect to gain from it? In all his speeches the Lord Advocate had given no trace of these changes except as to the salaries of the schoolmasters, and that he said must be left to the law of supply and

demand. Now, if the law of supply and demand was good for the regulation of schoolmasters' salaries, why did it not also hold good in regard to schools and scholars? The fact was, that the law of supply and demand, while it regulated well and satisfactory whatever was necessary for the natural requirements of man, was wholly inapplicable to what was necessary for the moral nature of man, and it was necessary to stimulate the supply in order to rectify the defect. He trusted the Government, in Committee, would alter this Bill so as to bring it more in unison with the general feeling of Scotland. There could be no doubt what that feeling was. The people of Scotland wished a religious combined with a high secular education. They were justly proud of their parish schools, which sent one in every 1,000 of the population to the Universities, while Germany sent one in 1,800 and England only one in 5,000. If the Government did not bring the Bill into conformity with the public feeling, the people would cast aside the Parliamentary grants and rates, and raise for themselves schools on the principle which John Knox had carried out for the Godly up-bringing of the youth of Scotland; for they firmly believed that without religion a people could neither be moral, industrious, nor energetic.

DR. LYON PLAYFAIR*: Sir, since 1854, six Education Bills for Scotland have been before this House, and now we are at a seventh. Of these only one, that of 1861, became law, and it was of a limited character, and related chiefly to the abolition of tests in regard to teachers. And, while we have thus dallied with legislation, three generations of school children have passed through their periods of training, subject to all the imperfections which this House was called upon to remove in 1854. Three generations of school children have become men and women, many with no education of any kind, many with education of a most imperfect kind, and have become citizens not of that intelligent and orderly class which formed the pride of Scotland and a support to England, but ignorant citizens such as we will before long have to account with for not having given them the advantages enjoyed by their forefathers. Our Scottish pride is apt to be nourished with the traditions

of the past, and we shut our eyes to the realities of the present. It is quite true that Scotland was once a nation with nearly universal education; it is not true now. Her old national system of education, once a glory to her, does not now meet the necessities of a sixth of the school children; and the denominational efforts to supplement it, though they have been as zealous and self-denying as those in England, have been, like them, partial in their effect, and often the most active where they were the least needed. And so we find startling instances of ignorance prevailing. In some parts of the Highlands there is an educational destitution which I hope and believe has no parallel in a civilized country. The Commissioners tell us of three populations, amounting to 6,000 souls, among whom only 48 could write their own names. No doubt, that is an extreme instance; but its existence, as a fact, and its very possibility, throws upon us a heavy responsibility for dallying with Scotch education since 1854. Nor if you take general, instead of exceptional, instances, can we comfort ourselves with the belief that Scotland is any longer a highly educated nation. In the specimen Lowland parishes examined by the Commissioners, only 55 per cent of the children from 5 to 15 years of age were found to be in actual attendance at schools, and, of these, one-fourth is pronounced to have bad teaching and unsuitable structures. If you pass from country districts to urban populations like that of Glasgow, the Commissioners assure us that from half to two-thirds of the school children are not in any school. With such facts as these, I was astonished to hear the hon. Baronet the Member for Peebles and Selkirk (Sir Graham Montgomery) generalizing from his own district, and doubting the existence of educational destitution in Scotland. I admit that there are no correct data by which to decide whether there are 90,000 children, as the Commissioners believe, or 50,000 children, as the Census indicates, without the means of education. But we have abundant information as to the extraordinary inequalities of educational provisions, and this in itself is sufficient to show the necessity of a national system. Thus in the county of Selkirk, represented by my hon. Friend who generalized his knowledge, there is, according to the

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Commissioners, as large a proportion as 1 to 5, and, according to the Census, as 1 to 7, of the population having the means of education; but the hon. Baronet might have pointed to another county in Scotland where, the Commissioners tell us, there was only 1 in 14. In individual parishes there is a wide range of variation, beginning at 1 in 4, and going as low as 1 in 30 of the population. These inequalities suffice to show that the existing means of education have failed to meet the wants of the population. But even such education as exists in towns seems to fail in producing its proper fruits. Edinburgh has excellent free schools, and yet the last Factory Report tells us some most startling facts. Dr. Blair Cunningham, the certifying surgeon under the Factory Acts, tells us that of the children who came under his official cognizance in 1869, only 1 in 3 $\frac{1}{2}$ could read and write fairly; while he congratulates the country on improvement because he found only 1 in 2 in that condition in 1871. He elicited how much of this ignorance was due to children of Scottish birth, and he found that 55 per cent of Scotch children in the first year, and 43 per cent in the second year, who came under the Factory Acts, could not read and write fairly. Inspector Walker, writing from Dundee, after describing these and other startling facts, concludes by saying—

"There is no subject upon which numbers of my countrymen labour under a greater delusion than in maintaining that education is more general in Scotland than in other countries."

I am sorry to say that I agree with him. If you want to see educational efforts that are being made for factory children, you must not look to Scotland, but to Lancashire and Yorkshire. With such humiliating truths before us, we dare not again neglect to pass a Bill for education in Scotland. What, then, are the rocks and shoals upon which the previous Bills have been wrecked, and which stand in our way even now? Do not let us shut our eyes to them; they are the ecclesiastical jealousies of the Churches. The Church of Scotland once was most intimately, and still is largely, associated with the education of the people. It was fortunate for Scotland that this was the case; for though the parish schools were always national, still the State and the nation only attended to education

by fits and starts, while the Church uniformly recognized its importance. It is not, therefore, surprising that the Church still desires to retain its hold on the education of the people. But this is no longer necessary, for the State fully recognizes and wishes to co-operate in the duties of education; while the Church of Scotland, which once included the whole people, is no longer in that position. Besides, the interests of the State and of the Churches, though often allied, are by no means identical; for, while the State looks to schools as nurseries for good citizens, the Churches are too apt to look upon them as nurseries for Church members. Scotland has a population, of whom 90 per cent are Protestants, and 10 per cent Roman Catholics. Of the Protestants, 4 per cent are Episcopalians, and the remaining 86 per cent are Presbyterians, not only having the same faith, but the same forms of worship. Surely our duty ought to be simple. If we adequately protect the consciences of the minority, there is a singularly homogeneous majority to deal with in matters of faith if we avoid matters of ecclesiastical polity. Practically, we ought to have no difficulties of religion to contend with; but actually there is at present much religious excitement in Scotland about this Bill. I cannot deny that, chiefly on account of the ecclesiastical obstacles which have been put in the path of educational progress since 1854, there is a rapidly growing desire among the people for separating secular and religious instruction in the school, with the view of confiding the latter to the Churches. That view commends itself to my own mind as theoretically the best. But, as yet, public opinion is not sufficiently pronounced on it to make it a safe basis for legislation. There is, on the other hand, a strong desire that you should not only continue religious instruction along with the secular, but actually enforce it by law, as my right hon. and learned Friend the Member for the Universities of Glasgow and Aberdeen (Mr. Gordon) proposes to ask you to do. This is what is called the "use and wont" system, because it is undoubtedly the universal practice in Scotland for the teachers to teach the Bible and Catechism in the school. The Catechism is a compendium of Christian doctrines prepared by an Assembly of Divines at Westminster, and is there-

fore not, like the English Catechism, devoted to the formulas of any Church. Nevertheless, it is undoubtedly very dogmatic, as for example in relation to predestination and election, and, as a matter of fact, it contains opinions from which many pious Christians do most strenuously dissent. If you impose them upon all schools by statute, you ought to re-enact the tests which you formerly abolished, for otherwise there is no security that the beliefs which you impose by statute will be inculcated. But it is useless to occupy the time of the House with this subject. The day is past when this House will either enact beliefs or tests for any part of the population. We now thoroughly admit the truth of Sydney Smith's axiom—"That if experience has taught us anything, it is the absurdity of controlling men's notions of eternity by an Act of Parliament." The Bill of my right hon. Friend the Lord Advocate neither proscribes nor prescribes religion. In this he has acted wisely. If it be, as I think it is, the desire—and it certainly is the use and wont—of the people of Scotland to have religion taught in their schools, there is nothing in this Bill to prevent the fulfilment of that desire. Nor is the mode limited. They may either continue to intrust it to the teacher, or they may arrange for religious instruction by that higher form of denominationalism, by which each sect provides for the dogmatic instruction of its own sectarians. This appears to me to be an advantage, for by it we would gather experience whether the growing feeling in Scotland can be realized as a system. Abroad, it answers admirably; but, then, the separate ministers of religion are either paid for instructing the children belonging to their denomination, or it is made a duty on their appointment; but, in our country the devotion of any portion of Imperial or local taxation to such a purpose would be stigmatized as "concurrent endowment." I want, then, to see whether voluntary zeal, especially where the minority is small, suffices to secure method and regularity in religious teaching. If it do not, it is not reliable as an educational system; and I have before me the knowledge of education in Ireland, where it has practically failed altogether. This Bill gives a fair trial to use and wont, and to the separate systems; but whichever a school board adopts, I have sufficient reliance on the

religious feeling of my countrymen to be assured that they will not allow religion either to be entirely ignored or practically neglected. Surely, my right hon. and learned Friend (Mr. Gordon), on the opposite side, cannot think that it was the statute of 1861 which, by continuing a religious declaration on the teacher, has preserved religion in our schools. If he believes so strongly in "use and wont," why does he not trust to it without statute? Scotland is, undoubtedly, a religious country; but it is so because religion has welled up from the hearts of the people, not because it has been squirted over them by Acts of Parliament. These may, indeed, be sometimes necessary to protect minorities, and, in this view, we have a Conscience Clause introduced to this Bill. Yet there has been long in Scotch schools an unwritten law which has acted with equal force, and, in consequence of it, all sects are intermingled in them. Though the Churches have, no doubt, struggled to obtain the direction of schools, the people have not sympathized with their ecclesiastical cravings, and so have used the schools with the most perfect indifference as to their denominational managers. Even the 10 per cent Roman Catholic minority has relied on the fairness of the 90 per cent Protestant majority; for of their children at school, 59 per cent are in Protestant and only 41 per cent in their own Roman Catholic schools. Nevertheless, if you desire statutory instead of an unwritten law for the protection of conscience, there will be no real opposition to it. But it does not follow from this that, while we free the minority from religious instruction, we shall force it on the majority. No doubt a certain number of religious and zealous men ask for that, though it is illogical when they base it on their reliance on "use and wont." Religious zeal, however, is not fed on logic. But why the League swell their opposition to this Bill passes my comprehension. I can conceive my hon. Friend the Member for Birmingham (Mr. Dixon) disliking the question of religious education being left to the discretion of local boards. But, in the face of a whole nation desiring religious instruction, and in the absence of experience regarding the working of the separate system when based on voluntary zeal, what else could the Lord Advocate have done? My hon.

Friend says we determine the future of Irish education by the course we now take. I devoutly hope we may. If the Irish will take example from this Scotch Bill; if they will rate themselves largely for education as the Scotch have already done, and now ask powers to do much further; if they will pass over their non-vested schools from their priestly managers to representative laymen elected by the ratepayers; if they will accept a Conscience Clause conceived in the liberal spirit of that in this Bill, it will be a glorious example for Ireland, and will confer many benefits on its population. If it do all this, I am not afraid to give the ratepayers of Ireland all the power we ask for the ratepayers of Scotland. Try as you will, you could not make Irish education more denominational than it is now, unless you abandon altogether the Time Table Conscience Clause for the protection of minorities. Are you afraid of Scotch example for Irish imitation? Offer them this Bill as it is, but not as my hon. and learned Friend opposite would make it, and all friends of liberal education will rejoice. Leaving now the religious question, which is apt in an Education Bill to cast up such clouds of dust as to obscure the real educational provisions of a Bill, let us now turn to these and see whether they are calculated to promote efficiently the education of the people. As respects quantity, I think they are; but I think that I can convince you they are not fitted to maintain the quality of Scotch education. On this point, I do not think my right hon. Friend, in his opening speech, stated the case with fairness to Scotch education. He told you truly that the parish schools, and many of the denominational schools, taught subjects beyond mere elementary instruction, such as grammar, geography, history, mathematics, French, German, and even Latin and Greek. He then mentioned that, when examination by the Revised Code was first introduced into Scotland, these schools did not give such a high percentage of passes in "the three R's" as English schools; and hence he drew the conclusion that elementary instruction had been sacrificed to higher instruction. My right hon. Friend did not tell you—perhaps he did not know—that this was for a few months only, and that ever since Scotch schools have stood higher than English schools. The rea-

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son was not that assigned by my right hon. Friend. Scotch teachers had different habits of teaching from English teachers. They believed, and still believe, that the natural evolution of a child's faculties indicates that all the subjects of the standards should not be begun simultaneously, and consequently they postponed the teaching of arithmetic till a child became of sufficient age. But the Revised Code had no such conception, and thought a child's brain was like a man's brain, but in a box of a different size. So for a few months, when all those subjects were demanded at all ages, the Scotch schools could not compete with English schools; but, as soon as they understood the theory of mental evolution of faculties on which the Committee of Council constructed the Code, they altered their mode of teaching, and my right hon. Friend ought to have told you with what result. Ever since then, the percentage of complete passes in Scotch inspected schools has been higher than in English schools, and that in every standard from the lowest to the highest. What can be the reason for that? Mainly, as I contend, because the life and vigour thrown into a school by its higher subjects pervades every part of it, and carries on all by the large wave of instruction passing through it. My right hon. Friend pointed out in one of his speeches that the extent and value of this higher instruction is over-rated, because only a few scholars, in proportion to the whole number, go up to the Universities from the parish schools. Undoubtedly that is true, and it would be extraordinary if it were otherwise. Even from secondary classical schools in England, such as Eton and Harrow, and from those in Scotland of a like character, only a few scholars pass to the Universities. Hon. Members may be surprised that any at all should go from Scotch parish schools; but the number is absolutely great, though relatively small to the 450,000 children at elementary schools. Nevertheless, it is one chief cause why the Universities of Scotland are so truly national, for they have 1 student to every 800 of the population, whereas in England there is only 1 to 5,800. In every parish school in Scotland, and in many other schools belonging to the Free Church, every child above a certain age learns such subjects as geography and grammar. But it is

quite true that only 4 in 100 learn Latin. My right hon. Friend thinks that an insignificant proportion; but I take issue with him, and contend it is a very large one. Let us follow out the working of a school with 100 scholars, of whom 60 are boys and 40 girls. The highest class in such a school cannot number more than eight boys, and when you find 50 per cent of this highest class learning Latin, and 25 per cent mathematics and French, and 12½ per cent Greek, I say this is a remarkable result for the peasantry of any country. But that is the sort of education which has enabled Scotchmen to fill situations where trust and intelligence are required all over the world. Let me give you an illustration; and I am sure there are few who will sneer at the idea of even raw Highland lads being taught mathematics in a parish school. Some years since, an emigrant ship bound to Melbourne touched at the Cape de Verde Islands, where fever entered it. Many died, including the doctor, and the surviving officers were prostrated with fever, and there was no one to take observations or to keep the reckoning. In this emergency two Highland lads, among the emigrants, offered to apply the knowledge which they had acquired at the parish school of Barra, an island in the Outer Hebrides; and they took charge of the ship, and guided her in safety to the Capo of Good Hope. Can you be surprised when you know that the character of Scotch education produces such an intelligent population, that we are jealously anxious to preserve its characteristics? It is less the number of those who learn higher subjects, though that is large; less the number of those who struggle upwards from the small rooms of the parish school to the wider halls of the University, that produces the character of Scotchmen; but it is more the fact that the possibility of advancement is within the reach of every peasant and artizan in the kingdom. The intellectual fund of a nation is never absolutely large; but happy is that country where every man can contribute to it who has within himself the sources of intellectual wealth. I must now, to my great regret, express my profound dissatisfaction with this Bill on these important points. It fails to grasp the characteristics of Scotch education, and will seriously deteriorate its quality. The Lord Advocate tells us that he is going

to nationalize all schools on the type of the parish school; but he, at the same time, excises from all schools the very two characters which make the parochial school typical. In the first place, a parish school is essentially a rate-supported school; but the Lord Advocate's school of the future is only to depend on rates if other sources of income are deficient. In the second place, a parish school possesses a high class of teacher, because he has ample statutory security for adequate remuneration and fixed tenure of office. My right hon. Friend justly thought he would get our sympathy when he used the parish school as his type; but he invites us, by his bill of performance, to the play of *Hamlet*, not only with the character of "Hamlet," but also with that of "Polonius" omitted. For the two characters of the parish school no longer appear — namely, a substantial support by rate, and a high class of teaching. With regard to the first, I believe the temptation held out to the ratepayers of Scotland that rates will only be required to cover a deficit is an utterly illusory one, for a rate, as I will show hereafter, is inevitable in every parish; but this temptation to parsimony is nevertheless on the face of the measure. But for the present let us turn to the position of the teachers. The Lord Advocate trusts that the ordinary operations of demand and supply will ensure adequate remuneration to teachers. He instructed us, in this House, very little on that primary lesson of political economy; but he dwelt largely on it in his speeches to his constituents. My right hon. Friend has been studying, with much effect, Adam Smith's first book; but he forgot to turn to the fifth book, where that author shows the principle is inapplicable to elementary education, and where he recommends that teachers should partly be paid a salary from the public purse, and partly by fees. Is not the very *raison d'être* of his Bill that there is such a languid demand for schools, and such an insufficient supply of them, that he must stimulate the demand and force the supply? Let us see, however, how the Lord Advocate proposes to trust to the natural operations of demand and supply in his Bill. A school is the subject of their application. What is a school? It is not the school-house, and it is not the school board. The two essential parts of a

school are the schoolmaster and the school children. The first has education to sell to children who are the buyers, while the school board is merely in the position of a market committee to superintend the orderly transactions of the market. But the market is so sluggish that the Government intervene to stimulate supply by means of bounties; and the demand is so insufficient, that my right hon. Friend has framed compulsory clauses for his Bill to gather the buyers from the highways and byways and force them to come in. No doubt both these operations are in favour of the schoolmaster who is the seller; but they are only resorted to because the ordinary operations of the economical law are insufficient to meet his case. Now, if the schoolmaster got what he earned both as bounties and fees, the principle of a healthy competition would come in aid of a good supply. But the Lord Advocate breaks his political principle at every step. Neither bounties nor fees go to the vendor, but are tumbled hotch-potch into a common fund of the local board. And the reason for this is a strange one. Various schools are under this board, and as some teachers may earn large bounties and a large amount of fees, while others, being less efficient, earn much less, it will be possible for the school board to supplement the deficiency of a bad man's earnings by the excess of a good man's earnings, and so save the necessity of going to the ratepayers for a rate to supply a deficit. You tumble all the earnings into a hotch-potch, and then ladle them out by contract. It may, indeed, be the interest of a school board to push the good man into abnormal activity to save the deficit; but such a slave-driving pressure is as nothing compared with the spur to exertion which a man has when he knows that he has a direct interest in the result, and reaps the fruits of his own labour. The Lord Advocate says that he secures efficient teaching because he enacts various grades of certificates of proficiency, though he gives no motive for taking a higher one than the minimum. But it is not the Legislature, but the local board which will determine this point. For whoever has the power of fixing the price of an article, determines the quality of the article; and the immediate, though not perhaps the ultimate, interest of the local board is to save the

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pockets of the ratepayers, and to have an article at a minimum price. There is nothing in the Bill to prevent this. Let us take an extreme, though not at all an improbable, case. Suppose a local board advertises for a schoolmaster at £40 a-year and a suit of clothes—that being the minimum remuneration fixed under the powers of an Act for a Scotch policeman, whose qualifications are that he must be 5 feet 7 inches, and can read and write. In the Act of 1803, the Quarter Sessions could interfere and direct that such an inadequate salary should be raised. But in this Bill there is no such provision, not even one forcing the local board to appoint a teacher, supposing none applied, on the salary offered; and an ordinary court of law would scarcely do so, when the very principle of this Bill is to make the local board sole judge of what salary should be offered. I do not say there are many local boards who would put themselves in this position; but I do say that it is not the fault of the Bill if they do not, for it holds out to them that temptation by not enacting as heretofore a substantive rate, but making that contingent on their being unable to screw out their expenses from Government grants and school fees. All the experience within my knowledge is against trusting to an unrestrained contract between teachers and local boards. That idea was admitted into Ireland, and has produced disastrous results. The Government allowance to Irish teachers was originally considered as a mere contribution, which the liberality of the district would amply supplement. But that which was deemed a mere subscription became ultimately the whole remuneration; and now you have some 12,000 teachers spread over Ireland with less salaries than the policeman's which I have quoted, centres of discontent against the Government, whom they look to as their sole paymasters, as the localities have neglected their part of the duties. My right hon. Friend will tell us that he is only following the example of the Act of 1870, and that I did not attack these provisions at that time. But I may remind the House that I deplored very much my inability to discuss the educational provisions of that Bill on account of our being pushed into an ecclesiastical siding, and in Committee silence was the best policy which educationalists could

adopt to get it through. But what I object to especially now is that the Lord Advocate abandons a system of substantive educational rates, for which we have centuries of experience in Scotland, for a contingent system in case of a deficit, when the fruits of such a plan are as yet wholly unknown to us. I know that one system works well, and I expect that the other will work badly; but, in any event, there is not as yet an atom of experience in its favour. My right hon. Friend is determined to Anglicize our Scotch schools in every possible way. But he is wrong. England and Scotland, though they form parts of the same kingdom, are as different as an English bull-dog is from a Scotch terrier, and each requires its own kind of training. The Bills of 1869 and 1871 admitted this difference, for each had a schedule laying down the principles on which a Scotch code of education should be constructed. But this Bill contains no such safeguards. The three Bills of 1869, 1871, and 1872 are successive steps in the Anglicizing and lowering of Scotch elementary education. The first Bill, prepared by the late Lord Advocate, now the Lord Justice Clerk, did try to protect it, for it provided for a national board in Edinburgh, and for national principles in the construction of the code. The Bill of 1871 adhered to these principles, but invented a Scotch Education Department in the Privy Council, in the actuality and potentiality of which no one believes; and now this Bill has struck out the last shadow of protection which we had for the preservation of our Scotch system of education. The parish schools, under the management of heritors, had the security of being superintended by men of culture and education. I hope this will be continued by a careful selection of representatives on the part of the ratepayers, and I believe it will. But why was it necessary to turn all the local boards into directors of public instruction? They would have been content with administrative functions; but you give them far more power, and make each a sort of Ministerial bureau of education in the district, both for lower and upper schools, if they happen to have the latter. When we see danger to the enlightenment of the country in this, we are told, in the same breath—first, that the Scotch Education Department has reserved no power

over local boards; and then my right hon. Friend tells us to trust to the protective power of his new departmental invention. But when we asked the Vice President of the Council what that department really was, my right hon. Friend, with his usual candour, confessed it was essentially to consist of himself and the Lord Advocate. Both my right hon. Friends know that, personally, I hold them in high esteem; but neither of them has that inner faith of the advantages of the Scotch system that induces me to put unreservedly into their hands the unknown future. This Bill, in its present form, is not a Bill for promoting Scotch education: it is, and it should be so entitled, a Bill for extending low elementary English education throughout Scotland. I would have comparatively less anxiety even on this point, if I felt sure that the high qualifications of teachers would be kept up by this Bill, because they would delight to impart the knowledge which they possessed. But here again the Lord Advocate abandons all Scotch experience, and rushes open-mouthed into the English system of certifying teachers—a system which, since 1857, has been continually lowering their qualifications. I could point out to you many teachers who, as mere pupil-teachers, during their apprenticeship, passed a far higher examination than a principal teacher in an English school now requires to pass. Nay, more—and I do not say these things carelessly, and I shall be glad to be challenged to the proof by my right hon. Friend the Vice President of the Council—I could select numerous boys at our parish schools in Scotland who are far more highly educated than the teachers as they now leave training schools in England. But that is the condition to which our teachers must be brought by this Bill, for they are subjected to the same deteriorating influences. Our existing system of certifying teachers is through the Universities, with which they have had an intimate connection in training, and with which they are proud to continue associated by the results of their teaching. But this Bill changes all this, cuts off the Universities altogether from certifying teachers, and, with its love for English assimilation, throws them into the deteriorating system of the Committee of Council. The intention of the Lord Advocate

could not have been to lower the qualifications of teachers; but he has adopted a system of examination which has progressively deteriorated them ever since 1857, and very largely since 1861. I think the origin of his error is in magnifying the importance of school managers, who count for very little, and in depreciating that of the teacher, who counts for very much in a school. Yet every one with educational experience knows the truth of the axiom—"As is the teacher, so is the school." His habits, his activity of intellect, his morality, his religion, his general character, are all reflected in the children as if in the fragments of a broken mirror; and yet, instead of cultivating the individualities and excellences of schoolmasters, this Bill treats them as it would not treat traders; and it treats their commodity—the education of the rising generation—as it would not treat potatoes in a common market, if it desired a good quality of supply. At the present moment, England and Scotland are under different educational codes. English teachers are paid by the results of their pupils' examination under the Revised Code; while, though Scotch children are also examined by that Code, the Scotch teachers are paid on their certificates of qualifications by the Code of 1860. The amounts which these carry vary from £15 on the lowest to £30 on the highest. But, though the Government pays these allowances on certificates, it does not leave the teacher to make his own bargain with any school managers who may desire to engage him. The Government, on the contrary, exact the condition that double the amount, in addition to the certificate allowance, shall be secured to the teachers by the managers—one-half from subscriptions, and one-half from fees. Suppose, for example, that school managers desire to secure a teacher with £20 on his Government certificate, they have to enter into a guarantee with the Government that they will pay another £20 as salary, and a third £20, at least, from fees. And school managers have not complained of these conditions as being at all unreasonable. Under the Revised Code, which will in substance be applied to Scotland when this Bill passes, teachers will no longer be paid by Government on their certificates, but by the results of examination of the school children. Now I want, by Amend-

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ments which I will put on the Paper, to combine the advantages of the present certificate system with those of the Revised Code, for in combination they have produced great advantages. Under this combined system, which in effect I simply desire to continue as it is now, our Scotch inspected schools stand at the present moment 14 per cent higher than the English schools in all the elementary subjects; for if you take, as the most effective test, the percentage of children who have passed completely in each subject of all the standards, you will find by the last Report of the Education Department that, while England passed only 68.8 per cent of the children examined, Scotland passed 82.3. But, in addition to this elementary instruction, we have the higher subjects, to which we attach so much importance, and which are thus proved not to be incompatible with, but, on the contrary, to be largely accessory to, elementary subjects. My right hon. Friend says that payment for higher subjects will be continued by the Code; but what will be the use of that if you lower the qualifications of the teachers, so that they cannot teach them? My Amendments will propose to put ratopayers in the same position as school managers are now, and to impose upon their elected school board the same obligation of paying on certificates that is now imposed on all school managers who employ certificated teachers. But I intend to propose a wider range of payments, beginning at £10 for the lowest certificate, and ending at £50 for the highest. This maximum cannot be considered inordinately high, for it is only the average of the salary of parochial schoolmasters at present. This range will have an advantage in giving a larger field for selection. Suppose a small side school is required in a Highland glen, a teacher with a minimum certificate might suffice for the purpose; while in a good parish school, or in an urban population, a teacher with a maximum certificate would be in demand. This proposal asks nothing more from Imperial taxation; it only asks powers for the ratopayers to tax themselves. And, in practical working, it will not add one shilling to the burdens which this Bill would put upon them as it stands. For, though its provisions only speak of rates as covering a deficit, if Government grants and fees do not suffice, the ratopayers

should be under no delusion on this head. They will get no Government grants at all under the Revised Code, unless the income of the school from rates and fees equal the Government grants. It is, therefore, a perfect delusion to suppose that rates will only be needed in certain cases. They will be needed in every case. All, then, that I ask is that these rates, which are inevitable, may be applied in a way which Scotch experience has proved to be so advantageous in the past, and in regard to which there is as yet no English experience whatever, but only the analogy of law. I wish to keep up the combination of certificate qualifications with examination by the Revised Code, so as to prevent the mechanical operation of the latter squeezing the life out of our educational system. All thoughtful educationalists are now convinced that higher subjects introduced into a school give to it vigour and life; and that is only another way of saying that low education produces low results, and high education produces high results. And while elementary instruction flourishes under the latter system better than under the former, the intellectual wealth of the country is being augmented, and not impoverished. In short, I want to continue Scotch education as it is, and not to Anglicize it. But I have not yet spoken of the clauses relating to the upper and burgh schools; and I scarcely feel sure that I understand their full effect. Their object is unquestionably a good one; and as the burgh teachers have, as I am informed, petitioned in their favour, I presume my misgivings as to their effects are unfounded. But what strikes me is that you remove from them some sources of income without supplying others. The clauses propose to remove the elementary schools which are often attached to the upper schools, so as to let them more freely exercise their legitimate effects on higher education. But it is these elementary sections which win the Government grants. These schools receive support from general civic funds, called the "common good." Now, as town councils are removed from their management, this source of income, which, with one or two exceptions, is now insignificant in amount, is not likely to be increased. Can these schools support themselves when separated from their primary sections, without increased

aid? I am not clear about this. Again, I do not see any provision for the support of structures or school-houses such as the law at present provides. As, however, the local board is to manage them, surely the Lord Advocate intends to make contributions from the rates, or what is the justification for the change of management; and if I am right in this supposition, although I confess I cannot find it on the face of the Bill, I think these clauses, with some modifications as to the qualifications of teachers, will have a good effect in promoting secondary education in Scotland. I have spoken much more at length than I am accustomed to speak in this House; but you must recollect that this is a question of supreme importance to Scotland. Many of my English Friends, on both sides of the House, know Scotland well, for they have stalked the deer on its rugged hills, and wandered over the heather in search of grouse and of health. Have they ever wondered—when they have followed their sport in the mountains or glens, or fished in the rocky rivers—what could make such a country peaceful, prosperous, and contented? They know that it is restricted in area, barren in soil, and possesses only in one small portion of it the elements of mineral wealth. Then they would find it difficult to give any other explanation than that its inhabitants are, on the whole, an educated and a God-loving people. That our education has deteriorated it is true, or this Bill would not now be before us. But its peculiar characteristics remain as of old, and it is the duty of all Scotchmen to see that they are maintained. We have had a glorious inheritance from our fathers, and we should transmit it, not only unimpaired but improved, to our sons. This Bill is the testament by which the Scotch Members of Parliament of this generation will be judged by posterity. Let us support it in its excellencies, but try to remove its defects before it acquires the force of law.

MR. GORDON *: Sir, I certainly think that the last speech must have satisfied hon. Members who are not so intimately acquainted with this question as the Scotch Members are, that we are dealing with a question of vital importance to Scotchmen, and deserving of the most attentive consideration of this House. It must be distinctly understood from

our conduct this evening that we have no wish whatever to obstruct any Education Bill which shall contain provisions calculated to maintain the high character of Scotch education both as regards secular and religious instruction. Though this Bill contains many things which are distasteful to this side of the House, we offer no opposition to the second reading, for this reason—that we wish the opinion of the public to be elicited, as I think it will be after this debate has been concluded, and more time allowed for the opinion of the country to be expressed than the short time that has elapsed since the introduction of the Bill has permitted. We reserve, therefore, to ourselves liberty of proceeding either by way of Resolution or otherwise before this Bill goes into Committee; and if we do not take that course, at all events we reserve to ourselves entire liberty to make Amendments, and most material Amendments, upon the provisions of the Bill. I scarcely think that the House will be surprised to hear, after the speeches we have heard, that the Bill will require to be amended materially, for there have been objections taken to it from every point of view—religious, secular, and educational. Let me just state how one dealing with this question of Scottish education ought, in my humble judgment, to have proceeded. We have a system of education which cannot be too highly prized, as affording the means of instruction not only for elementary purposes, but also for higher purposes, and that education is brought within reach of the humblest peasant in Scotland. There are about 4,500 schools in Scotland. We have heard of the educational destitution of 92,000 children—a statement which was made in the Report of the Commissioners. But my hon. Friend the Member for Edinburgh (Mr. McLaren) showed, on the introduction of the Bill, that estimate to be entirely fallacious. One estimate which they make is based upon this—they take the children from 3 to 15 years of age, requiring all children to be 12 years at school, which is perfectly absurd. The other statement is based upon children from 4 to 13 years of age being at school, and even that is excessive, although it would reduce the number not educated far below 92,000. The state of matters is this—so far as regards the education of the children, there is really a very small

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amount of destitution except in the large towns, and in Glasgow particularly. In the country parishes, with all due respect to my hon. Friend who has just spoken (Dr. Lyon Playfair), there may be exceptional cases, such as the Island of Lewis, where distances from schools are great, but no provision is made by this Bill for supplying the deficiency in such an exceptional case. Notwithstanding that exception, and a few other instances which were not named, we have one child in 6·5 in attendance at school, which is fully as great as the attendance at Prussian schools. Therefore, so far as regards the necessity of provision for the education of the children, taking it upon an average, there is really no great educational destitution. Indeed, in the country districts there is really almost none. I find, from the returns which were given in the last Census, that the number of children from 5 to 13 years old receiving education is put down at 503,986—being about 6·30 per cent—showing that since the Commissioners' Report the educational supply has kept pace with the increase of population. That is the state of education as far as regards the actual necessities of the case. I quite admit that in some of the large towns, such as Glasgow, there are educational deficiencies; and we have always said, provide for those large towns—and in these and in the country, where there are educational deficiencies, we have been perfectly willing that these should be provided for, and that you should establish a rating system for the purpose. The number of schools is, roughly speaking, about 4,500; the parish schools number about 1,200; there are about 1,200 or 1,300 in connection with the Established Church of Scotland; so that there are under the superintendence more or less of that Church about 2,500 schools. There are about 600 supplied by the Free Church, 45 by the United Presbyterians (the denomination which has caused the most difficulty connected with the religious question), there are a few Roman Catholic and Episcopal schools, and the rest are private or adventure schools. Such being the state of matters, what has been the way in which the question has been considered with a view to supplying the deficiencies in the towns and in the country where such can really be proved to exist? The

predecessors of the Government issued in 1864 a Commission, which was composed of men of great distinction and liberal opinions. We have their Report. They state that they do not wish to disturb the parish school system which had worked so well, and they recommended that there should be supplementary schools only for the purpose of supplying any deficiencies. That Report was made in 1868. In 1869 this Government introduced into the House of Lords a Bill founded on these principles—recognizing the parish schools, subject to certain conditions, but declaring that wherever there was a deficiency of schools, there should be new or rate-supported schools established. No opposition was offered to that proposal. The Bill came to this House, and what did it do? This House—and at that time hon. Members were fresh from the hustings—expressly excluded the parish schools from the operation of the Bill. Thus you have a concurrence of opinion on the part of the Commissioners, of the present Government, and of this House of Commons, because there was a unanimous opinion that the parish schools should be exempted from the operation of the Bill. I want to know why are all these principles, which were approved of in this manner, to be overturned, and why one of the leading principles of this Bill should now be that the parish schools should be entirely altered—these schools which have done such benefit to Scotland? What change has taken place? It may be said that in 1870 an Education Act was passed for England. Why, if I wanted an additional confirmation of my view, I should draw it from that fact. For what principle was established by that Act? The Vice President said at first—and he repeated the statement to the House the other night—that in 1870 he recognized all existing schools, and that he intended only to supplement them with a view to provide for existing deficiencies. Why do the Government entirely alter their policy when they come to deal with Scotland, where education is so dear to the people, and where it has done such benefit? We had a quotation from Mr. Buckle, the historian, made by the hon. Member for Nottingham (Mr. A. Herbert). Mr. Buckle may be a faithful historian of facts; but I venture to say that the inferences which he draws are by no means to be

Maneuvres. He (Colonel Loyd-Lindsay) himself thought they had been a very great advantage, and was happy to see that the right hon. Gentleman was able to appreciate the friendly pressure which had been put upon him by hon. Members on both sides of the House, when he showed signs of wishing to withdraw the Autumn Manoeuvres. He (Colonel Loyd Lindsay) thought they ought to be continued, and regretted that so few hon. Members of Parliament had been present to witness, perhaps, the most magnificent sight that had ever been seen in England. He thought the decision which had been come to to hold the manœuvres at Aldershot was a mistake. Notwithstanding friendly criticism, it was quite clear that the ground was unsuited to them, and they partook more of the character of field days than of the extended manœuvres which were set forth as part of the plan. The troops were under separate commands in bodies separated from each other by cultivated lands, and the consequence was that generals were subjected to unfair comment and criticism in regard to the mode in which they moved the troops. It was useful to remind the authorities of the War Office that, after all the preparations we made, we were not able to move our Army a distance of more than 10 miles from its base of operations; and the remark made by a Liberal Duke, that we had an Army that could not march, had not yet been disproved. In confirmation of the opinion that it was a mistake to go to Aldershot, he could quote passages from the Report of the Commander-in-Chief describing the four days of manœuvres, from which it appeared that on three of the four days the ground was unsuited to the purpose. As that was, perhaps, the only opportunity there would be of calling attention to the Report, he would refer to what the Commander-in-Chief said of the Militia which took part in the manœuvres, and it was in effect that the *physique* of the men left much to be desired, and that they were incapable of sustained exertion. Now, as it was essential that the Militia should be equipped and become in every respect equal to the Regular Army, he must, by way of apology, state that the Militia at Aldershot on that occasion were simply metropolitan corps, and were in no way fair representatives of the Militia Force of the country; they

had not any of the advantages of the Militia; they had no county or local connection; the men were drawn from the floating population of London; they were unknown to their officers; and, altogether, he should be glad to see these London corps struck out of the list of the Militia. The London regiments of Militia were of no value; their *physique* was unworthy of soldiers, and they stopped away when they found attendance inconvenient. He should move, at the proper time, that they be struck out of the Estimates, and, if successful, he should relieve the service from a set of regiments which were a disgrace to it; while, if he failed, it would, at least, be a warning to them to rub themselves up a little, so as to present a better appearance if they went out under canvas again. As to the cavalry, the Commander-in-Chief had pointed out their deficient knowledge of some of their most important duties—namely, watching the enemy's movements, gathering information, and transmitting it to superior authority in the rear; or, in short, acting as the eyes and ears of an Army in the field. His Royal Highness imputed the deficiency to want of practice; but what seemed to him to be required was something else than that assigned—it was that their equipment should be simplified, and that lightness and rapidity should be studied rather than weight and heavy charging power. He believed they were greatly overloaded, and as it was seldom a Commander-in-Chief had the courage to point out the deficiencies of a service, it was important that notice should be taken of his comments. As to the Yeomanry, His Royal Highness recommended that their equipment should be simplified, and that they should be trained to use their carbines or short rifles dismounted. They would thus, from their knowledge of the country, be of service in convoying supplies, gathering information, and in keeping up communications. At present, the Yeomanry were servile imitators of the worst faults of the cavalry, and though he should be sorry to see any force disbanded no corps could be better spared, but he hoped to see great reforms promptly instituted. With regard to the Volunteers, the manœuvres had, he hoped, set at rest the disagreeable dispute constantly raised hitherto, whether they were of any value. There was but

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one opinion as to their efficiency on this occasion—the Duke of Cambridge's views concurring with all others on this point, and that was, that when the occasion arose, they would prove an exceedingly valuable body of men. They might not, indeed, have so nice an appreciation of discipline as was observable among the Regular troops, but no troops were readier to obey their officers and attend to all essential points. That was displayed on one occasion when the Control department failed to supply fuel for cooking the rations, though there were Scotch firs of no value in the centre of the camp which would easily have supplied the deficiency, not a branch of them was touched.

CAPTAIN BEAUMONT said, the scheme of the Government not only met the exigencies of the case, but gave, for the first time, a substantial plan of Army re-organization, and there were many points in it of which he entirely approved. At the same time, he thought the sub-division of the country into 66 military districts was too minute. Half that number of districts would have been a better arrangement. As to the question of economy in connection with military administration, he thought our expenditure on the Army was excessive, seeing that within the memory of hon. Members of the House, the Army Estimates had risen from £6,000,000 to £18,000,000. He was aware that a portion of the latter sum was only a transitory expense, but the fact remained that a Liberal Government had brought forward Army Estimates amounting to £18,000,000. He should not be satisfied till the ordinary Estimates were reduced by £2,000,000 or £3,000,000, and he did not see why the cost of the Army should not be brought down to about £12,000,000. It would not become him, as a soldier, to say that the proposed expenditure should be reduced by £2,000,000 or £3,000,000 without saying how it could be done. In his opinion the Army could not be administered economically, unless the Government would act on the principle of passing men from the ranks of the Regular Army to the Reserves, and trusting to our Reserves rather than to the Regular Army for our defence. The way in which short service and Reserves had been dealt with by the Government had not given the system a fair chance. As to

the Reserves, in the sense in which he and his hon. Friend the Member for Hackney (Mr. Holms), and some of the best military authorities understood that word, a reserve was not a man who received a miserable 4*d.* a-day, but a man who got £10 or £12 a-year. He believed it was only by acting on that principle that we could really get economy. A soldier cost £50 a-year, and by passing him into the Reserve and paying him £10 a-year, a saving of £40 a-year would be effected. That system applied only to the 20,000 men under discussion would save nearly £1,000,000; but if applied on a larger scale, say, to 40,000 or 50,000 men, would effect a saving of £2,000,000 or £3,000,000, and our defensive power would not be weakened by so doing. There was nothing in the scheme before the House which prevented that being done. He wished to know what economy the right hon. Gentleman the Secretary of State for War proposed to effect by his scheme. If he reduced the expenditure £1,000,000 this year, did he hope to continue reducing the expenditure every year? He intended to vote with the hon. Member for Hackney, because he believed in the principle of this country being mainly defended by its Reserves, those Reserves being made efficient by being passed from the Regular Army.

MR. CARDWELL said, he thought it was the pleasure of the Committee to bring this long discussion to a close. He had nothing but gratification to express at the manner in which the Committee had received the proposals that he had made, and he felt that a duty was cast upon him at that moment not to trespass at any great length upon their time. He would, therefore, endeavour to reply only to the more salient parts of what had been said, and he trusted that those whose friendly criticisms and useful suggestions he could not notice would be so good as to feel that they had not been overlooked or forgotten, but that he was not able, under the pressure of time, to reply to them. First, he was quite sure he should not occupy the time of the Committee profitably, if he entered at length into the subject which had just been mentioned by the hon. and gallant Member for Berkshire (Colonel Loyd-Lindsay)—namely the military manœuvres of last year. He only referred to them for this—

he would not permit that hon. and gallant Gentleman to say that he (Mr. Cardwell) had not any objection to retire from this country giving him a very enormous force at the same time a very negligible expenditure. On the contrary, he claimed the effect of having introduced the manufacture into this country for the first time, and he refused to hear the hon. and gallant Gentleman say they presented the most magnificent spectacle he ever saw in this country. So far from showing any disposition to retire from the manufacture, he believed they were a most important step in advance in the real military training and organization of the country. His hon. and learned Friend and Colleague Mr. V. Harcourt had called upon him to tell him what in his opinion was a peace establishment. The question was easily answered. A peace establishment in his opinion was an Army first-rate in quality, not large in numbers, having its Reserves prepared and capable of ready and rapid expansion. He hoped to be able to show, even in the few remarks he should now offer, that the plan which was before the Committee did propose an Army of the kind. His hon. and learned Friend and Colleague said, in the beginning of his argument, that everything must be judged by comparison, and he even quoted Lord Lansdowne as an authority for a proposition, which he (Mr. Cardwell) should have thought might have passed muster without authority; and then he went on to ask why should we have a larger force in this country than we had in the year 1850? and in the very next sentence, having mentioned the sudden growth of enormous military Powers, he told the Committee that he would not part with any portion of our influence on the Continent of Europe; that he would not consent to forego the discharge of any one of our Treaty obligations; that he would not part with any portion of the extended Empire of this country, where the flag of Britain floated, any retirement from our power, or from our Empire. If those were the views which were entertained; if we were to maintain our influence among nations, perform our obligations, protect our colonies; and if everything was to be in proportion to the numbers of the time at which he spoke, then this House and the people of this country must be of opinion that in the presence

of enormous military Monarchies, an Army something on the scale of that which was proposed for this great country of England was not disproportionate or absurd. He did not yield to his hon. and learned Friend and Colleague, or to any man in that House, in his desire for peace and in his abhorrence of everything which tended to war; but his belief was that in maintaining a just security for ourselves, in showing that we were prepared to resist attack, come from whatever quarter it might, we were not creating a tendency to war, but taking securities for peace; and he felt sure it was our duty to owe our safety due to the forbearance, or, possibly, to the example of others, but to our own strength and spirit. Doctrines like these did not commit us to extravagant expenditure. On the contrary, they committed us to this—that we should take care that whatever our expenditure, it was so applied as to combine our forces to the greatest advantage. His hon. and gallant Friend who had spoken last (Captain Beaumont) said that they had taken off £1,000,000 this year, and he hoped they would take off another £1,000,000 next year, and so on for many successive years. He did not know where his hon. and gallant Friend intended to stop. His own hope and belief was, that we were introducing a system of efficiency, consistent with economy. His right hon. Friend who sat opposite (Sir John Pakington) began his remarks by referring to the purchase question. He (Mr. Cardwell) was rather surprised to hear his right hon. Friend repeat the strong and emphatic declarations he made last year in favour of purchase. The purchase system was a breach of the statute law, and lately we had heard a great deal about breaches of the statute law. He was surprised therefore to hear his right hon. Friend regret the purchase system, for he (Mr. Cardwell) thought no one ought to regret the termination of a system, the further continuance of which was only possible by the grossest violations of the statute. Then his right hon. Friend went on to say that there was nothing in all that was proposed which might not have been equally well accomplished if the purchase system had remained. Was it really possible that anyone could have supposed such a thing, and, above all, his right hon. Friend? Attempts

Mr. Cardwell

were made at both ends to put an end to that system, and at both ends they failed. Fourteen years ago the Royal Commission, who examined into the purchase question, pointed out that, whether we had purchase or not in the lower branches of the Army, there was one place so conspicuous in importance, the filling up of which by an incompetent officer might be so fatal to the Army or to the Empire, that it was absolutely necessary as regarded that, that purchase should be removed, and that was the command of battalions. For 14 years that Report lay on the Table, and for 14 years no attempt was made to remedy the mischief, and why? The purchase system rendered it impossible. Then let them look at the other end. His right hon. Friend himself was the man who recommended to his Sovereign the abolition of the rank of cornet and ensign—a very small beginning and a very trivial step. But when it fell to him (Mr. Cardwell) to endeavour to carry that recommendation into effect, his right hon. Friend knew perfectly well how entirely impossible of accomplishment he found it. And what was the difficulty? The difficulty was the purchase system. This House would not listen to the step being taken until we had first disposed of the purchase system. And now, what were we doing? We had abolished the rank of cornet and ensign, and had made the sub-lieutenant a probationary step. The sub-lieutenant was to leave the Army in three years, if he did not qualify for the next step. The lieutenancy was a probationary step. The captain was to have permission to pass on half-pay into the Militia on certain conditions. The major was to be appointed for five years, and the lieutenant colonel for five years. None of these steps could have been taken without abolishing the purchase system. Last year his right hon. Friend said—" You can reduce the second lieutenant of a regiment coming home from India, and if so, what else is there you cannot do?" Yes, in theory there was nothing. In theory the purchase right was nothing, the right of the Sovereign was everything. His noble Friend the Member for Haddingtonshire said that there had been hardships upon the officers. But it was the object of the Government and of Parliament to accomplish these changes without inflicting hard-

ships on the officers. It might have been possible to do all which had been done in theory; but in equity and in practice it was impossible. But had we not now thrown the Army open to competitive examination, and as a reward for service in the Militia? Was it possible to do either without abolishing purchase? His right hon. Friend asked—" Was there no unfulfilled promise as to the way in which promotion should be given?" And he went on to remind the Government that they promised that although promotion to the command of the battalion should be by selection, yet throughout the regiment it should always be regimentally. In self-defence, therefore, he was obliged to do that which was never agreeable—namely, to read a passage from his own speech. On the 16th February last year he said—

" Speaking generally, promotion from subaltern to captain would be regimental, and, speaking generally, promotion from captain to major and from major to lieutenant colonel would be Army promotion."—[*3 Hansard, ccir., 346*]

the object being to sift out defective officers until they attained the highest possible standard of military excellence. Now, these were not words corresponding to the impression which his right hon. Friend was under in addressing the Committee. He (Mr. Cardwell) promised last year that the changes should not be so as to affect officers of average intellect, or calculated unduly to elevate juniors far above their seniors, except in cases of very extraordinary merit. But at the same time he expressly said that there was one important question which they had to keep in view, and that was, that if they did not maintain the right of selection at all parts of the system they would, in abolishing one system of purchase, be merely laying the foundation for another. His right hon. Friend had asked him a Question with regard to what he held to be a very great grievance—namely, that three gentlemen had been recently promoted to other regiments than their own, against their inclinations, and without having been consulted.

SIR JOHN PAKINGTON: What I said was, that the gentlemen alluded to were not consulted, and had no knowledge of their promotion until it was effected, and that they did not like it.

MR. CARDWELL said, as he had no Notice of the Question, he could only

on that it was entirely up to him whether the soldiers in general were aware of their promotion before they received it, or whether they were informed afterwards of it. But he said it was his view of a general principle of government, that the command of an important office or trust, was a responsible appointment, and that it was a sufficient guarantee of its responsibility, if it was made by a responsible officer of the public service. He was satisfied by experience, that there was no difficulty in finding an intelligent general officer. That General was proposed a few days ago, and referred to government, was the 1st of November. As far as information had reached him, these gentlemen had not received any formal notice of their appointment. His objection seemed to be that they had received notice of the appointment. But as all officers of the Royal Artillery were in those circumstances like a branch of fact. Then there was the great question of expense, and his right hon. Friend said that he had not been consulted on this question, as the first time he consulted with the appearance of the Royal Engineers, and which system was represented as best suited to the service, and he had been entirely now to his right hon. Friend's service. Sir John Paxton said, I entirely spoke of what I had learned from General Grey. He did not suppose that his right hon. Friend would make any change, which he did not believe to be safe. Now, this was the fact of individual reports, but there always remained the Army Board, which has nothing to do with the Royal Engineers. The Board was so recent to Sir John that he had not as yet received any report from them, and as far as he knew, General Grey could do him the service of looking it up for him. He would find that the amount of expense was about £1000. He had, however, arranged with his right hon. Friend, that the sum of £1000 should be paid to the Royal Engineers, and that the Royal Engineers should be allowed to draw upon the Royal Artillery Fund, for the payment of their expenses. This sum of £1000 was to be paid to the Royal Engineers, and the balance of the £6000, which he said, would be required, should be strictly paid to him, and that they were to be classed as a new public debt. It was added that in respect of the £1000 that he had been considerably remiss in regard upon, he should be officially reprimanded by

the Military Committee of the particulars of that report; but it was not regarded as entirely discreditable as an officer for further promotion, he should be made acquainted with the reasons, that he should be encouraged, and then when a more favourable report was made his name should be recommended. The sum was a sum that was thereby furnished to him, rather than he should not be paid by himself a full and complete report. But when it was found that the order in which he referred had been superseded by an amended Order was issued.

Sir JOHN PAXTON: Regarding back the documents which had been passed to him by the right hon. Gentleman. The document which the right hon. Gentleman speaks of has no reference whatever to that which I stated.

Sir HENRY STOKES: When the right hon. Gentleman himself held the office of Secretary of State for War, confidential reports were made by the general officer at every half-yearly inspection. The reports which the right hon. Friend Mr. Hartwell handed across the Table were the confidential reports of the Department.

Mr. CARDWELL: The next point upon which his right hon. Friend had asked was the allowance of £600 a-year to the Artillery officers. Now, in considering a very large advantage in the way of promotion to the officers of Artillery and Engineers the Government felt themselves bound in pursuance of what had been recommended by the Committee of the House of Commons, and afterwards by the Departmental Committee, which was presided over by Captain Moore, to terminate that part of the arrangement which permitted a sum of £600 a-year to be given on retirement to the officers of 30 years' service, in sums of £600, and had thought it right to put effect to the arrangement that officers of Artillery and Engineers who had 30 years' service should retire on the full pay of their rank. His right hon. Friend had also asked him to give some explanation with respect to retaining and the six years' service. Here is the answer to two fires. The hon. Member for the Amendment was of opinion that Mr. Cardwell had not gone far enough in the case of short service retaining—that he had not done enough, but that greater economy might be ob-

tained by pushing it still further; and his hon. Friend the Member for South Durham, and his right hon. Friend opposite, were very much alarmed that recruiting was in an unsatisfactory state, which was said to be attributed to short-service recruiting. One would imagine that the plan he had submitted to the Committee was based upon the assumption that our recruiting was perfect and satisfactory, whereas every one knew it had for its object greater facilities for recruiting men it was desirable to bring into the service. The result, however, had been that the recruiting had been larger in the last two years than it had been in any year since 1861, having amounted in one year to over 24,000, and in another to over 23,000 men; and it was no small thing to obtain in one year by volunteer recruiting 23,000 or 24,000 recruits, and if such a number could be continuously obtained, they could introduce short service and make the system successful. It was further urged that they were not good recruits; but the Inspector General of Recruiting has stated that the standard was 5 feet 5 inches; that greater attention had been paid to chest measures, and that a better and more careful medical examination prevailed; and the result was, that the reports of the *physique* of the men were most favourable. One hon. Member had stated that he had received a letter from a commanding officer, which stated that it had taken him a good deal of time to get 20 good recruits; but after carefully going into the matter with the Inspector General of Recruiting, all he could say was that such letters did not reach the War Office; but on the contrary, he laid before the House official authority, which showed that the recruits were such as he had described them. So far from the introduction of short service being a failure, the Returns showed that the recruiting for the Line was in excess of the establishment, the only instance in which recruiting had not come to the establishment was in the Royal Artillery, where the short-service system had not yet been applied; and which he looked upon as satisfactory proof that the short-service system had not failed, and had not proved incompatible with the objects which they had in view. Again, his noble Friend the Member for Haddingtonshire complained that we had no

compulsory service. He, and those who thought with him, said that we did not by forcing men into the Militia enable ourselves to give a certificate of service to the Volunteers as an exemption from the Militia. Well, in the beginning of the present century Mr. Wyndham, replying to Mr. Addington as to the system of voluntary service for the Militia, said the right hon. Gentleman had not only not furnished us with an Army, but had rendered the furnishing of an Army impossible, inasmuch as he had driven 400,000 men into the Volunteers. But he need not argue at any length against the system of compulsion in that Committee. It was a system which was not tolerated in the Navy; it was not possible in the Army, and it was not wanted for the Militia. His belief was, that if that House were to establish such a system, it would be impossible to carry it into effect. He did not wish to mince his words on the subject. It was a beautiful system in theory, for those who were captivated by the example of Prussia and other countries to recommend the advantages of compulsory service; but it was a far nobler spectacle to him to see this country raising readily the number of men necessary for her defence by means of voluntary service, and sure he was that we never should be induced to resort to the compulsory system, for it was our glory that we had never yet been found unable to defend ourselves under the voluntary system. His noble Friend the Member for Berwick (Viscount Bury), he might add, seemed to think that the Government had done nothing for the Volunteers. Others said that a great deal too much had been done for them, but he was not of that opinion. No one held the Volunteers in higher estimation than he did. It was, however, admitted, for the first time by the present Government, that the whole of the necessary expenses of Volunteers should be met by means of a Vote of that House. The capitation grant had been raised to 35s., training schools for officers had been established, and money provided for in the Estimates for the purpose, and now it was proposed to unite the Volunteers in local brigades with the Regulars and the Militia, to give them the use of camp and drill grounds, and they had been furnished with the best arms in the shape of breech-loaders. That might be doing nothing, but he could

and the oppression which fell upon the persons who had to billet the men. It must be remembered there was a charge on the Estimates of £113,000 for the lodging of the men of the Militia; and although it might not be possible to save the whole of that charge, £50,000 a-year might be saved. To come to the immediate question and the objections of the hon. Member for Hackney (Mr. Holms), we were now engaged in recruiting without bounty and without claim to pension; and if the hon. Member had had some experience of the difficulty of introducing this system at all he would not have taken the position he did. With regard to useless officials the number employed in the Department had been very largely reduced; and the number of letters had been reduced from 1,500 to 900 a-day. As to the Army being over-officered, in two years the number of officers had been reduced by more than 1,200. As to taking 20,000 men out of the Army and putting them in the Reserve—the men had not been enlisted upon that condition; and it was impossible to suppose that anything like that number would be willing to pass out of the Army into the Reserve. We were now passing from an Army recruited for long service with pensions to an Army recruited for short service without pensions; we had now recruited 14,000 men on the latter terms, and if we stopped this recruiting at once, we should put an end to the plan by which we were seeking to obtain our Reserve. It could scarcely be considered economical to make a wholesale reduction now. There were some reductions in the Vote as it stood; and surely it was better to pass that Vote now, and to rely on the future increase of the Reserve placing us in a different position. Against the policy of dispensing with the Militia, as wished by his hon. Friend, he must utter his decided protest; he agreed with the Royal Commissioners, that the Militia was our great constitutional Reserve. The Duke of Wellington, in the last speech he made in Parliament, said he had never seen better disciplined troops than our Militia, and that Militia Forces could be improved until they were everything we could desire. Improvement was what the Government desired to effect; the Report of the last year's training was very satisfactory, and more was hoped from the brigading of the Militia with the Regu-

lars. Nothing could be more ungenerous than to point, as the hon. Member for Berkshire (Colonel Loyd-Lindsay) had done, to the few regiments that were brigaded with the Regulars last autumn, and so to disparage the whole Militia. That was not the spirit in which the Commander-in-Chief had spoken of them in his Report. He firmly believed that the Militia of this country, if properly handled and treated, would constitute a firm and safe reliance for the nation. He had now explained nearly all the important points upon which questions had been put to him, and had, in fact, shown that in the interests of true economy it would be better not to agree to the diminution of force proposed by the hon. Member for Hackney, and that the Committee, having in view the formation of a Reserve by passing the men through the Regular Army, in order that they might be rendered suitable and reliable subjects for that Reserve, should agree to the Vote submitted by the Government.

MR. HENLEY said, that the gross expenditure for the Army was proposed to be £14,800,000; and if they voted the number of men asked for, the country would be virtually pledged to that expenditure in time of peace, and as he could not agree to the propriety of such an expenditure, he should vote for the Amendment.

Question put.

The Committee divided:—Ayes 63; Noes 234: Majority 171.

Original Question again proposed.

COLONEL C. H. LINDSAY informed the Chairman that he had found his way into the wrong Lobby, and voted with the Ayes, whereas he had intended to vote for the Government. He wished to make this explanation, in order that the matter might be put right by the public Press.

THE CHAIRMAN said, the vote of the hon. and Gallant Member would be reckoned in the Lobby in which he had voted.

Motion made, and Question proposed,

"That a number of Land Forces, not exceeding 123,640, all ranks (including an average number of 8,185, all ranks, to be employed with the Depots in the United Kingdom of Great Britain and Ireland of Regiments serving in Her Majesty's Indian Possessions), be maintained for the

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service of the United Kingdom of Great Britain and Ireland, from the 1st day of April 1872 to the 31st day of March 1873, inclusive."—(Mr. Muntz.)

Question put.

The Committee divided:—Ayes 67; Noes 216: Majority 149.

Original Question put, and agreed to.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £5,238,000, be granted to Her Majesty, to defray the Charge of Pay, Allowances, and other Charges of Her Majesty's Land Forces at Home and Abroad, exclusive of India, which will come in course of payment from the 1st day of April 1872 to the 31st day of March 1873, inclusive."

Motion made, and Question proposed, "That the Item of £15,736, for Agency, be omitted from the proposed Vote."—(Mr. Lea.)

MR. CAMPBELL defended the Vote as one which was customary, and most expedient; for, if the Vote were not agreed to, the money would have to come out of the officers' salaries. Moreover, it tended to the convenience and comfort of the officers of the Army.

COLONEL BARTTELOT appealed to the Prime Minister to allow the Committee to report Progress, as there were many matters which were very interesting, and which it was unreasonable to expect the Committee to discuss at that hour of the morning (25 minutes past 1).

MR. GLADSTONE trusted that, after the very full discussion they had had, the Government would be allowed to take this Vote.

COLONEL BARTTELOT moved to report Progress.

MR. MUNTZ said, he had understood last year that this amount would be got rid of by the abolition of purchase.

MR. CARDWELL said, the amount could not be got rid of all at once. The case had been in discussion all the evening, and he objected to Progress being reported. He reminded the Committee that this item had been reduced from £37,000 to £15,000.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(Colonel Barttelot,)—put, and negatived.

Question put, "That the Item of £15,736, for Agency, be omitted from the proposed Vote."

The Committee divided:—Ayes 43; Noes 87: Majority 44.

Original Question put, and agreed to. House resumed.

Resolutions to be reported To-morrow; Committee to sit again upon Wednesday.

SUPPLY—REPORT.

Resolutions [March 8th] reported.

MR. LIDDELL asked for some explanation with respect to the item of £70,000 for certain extension works at Portsmouth Dockyard?

MR. GOSCHEN said, that in the last year the contractors had been able to get on faster with the works than had been the case before, and that necessitated a larger Vote.

Resolutions agreed to.

COUNTY COURTS (WALES).

Resolved, That, in the opinion of this House, it is desirable, in the interests of the due administration of justice, that the Judge of a County Court District in which the Welsh language is generally spoken should, as far as the limits of selection will allow, be able to speak and understand that language."—(Mr. Osborne Morgan.)

COUNTY BUILDINGS (LOANS) BILL.

On Motion of Mr. WINTERBOOTHAM, Bill to amend the Law respecting the borrowing of Money by County Authorities for County Buildings, ordered to be brought in by Mr. WINTERBOOTHAM and Mr. Secretary BRUCE.

Bill presented, and read the first time. [Bill 84.]

TRAMWAYS (METROPOLIS).

Message from *The Lords*.—That they have appointed a Committee, consisting of Five Lords, to join with a Committee of the Commons [pursuant to Message of this House], "to inquire into the question of Metropolitan Tramways proposed to be sanctioned by Bills in the present Session, and to report: 1. Whether it is desirable or not that any fresh Tramways should be laid within the metropolitan area; 2. What should be the limits of the metropolitan area in respect of Tramways; 3. Under what authority the construction and working of Metropolitan Tramways, if any, should be placed; 4. Along what lines of streets, if any, Tramways should be allowed to be constructed, and under what restrictions;" and The Lords propose that the said Joint Committee do meet on Monday next, at Three of the clock.

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, 12th March, 1872.

MINUTES.]—SELECT COMMITTEE—Alderney (Harbour and Fortifications), appointed. Public Bills—First Reading—Deans and Canons Resignation * (48).

Committee—Report—Poor Law Loans* (38).
 Report—Bank of Ireland Charter Amendment* (37).
 Third Reading—Public Parks (Ireland)* (30), and passed.

ALDERNEY (HARBOUR AND FORTIFICATIONS).

MOTION FOR A SELECT COMMITTEE.

THE DUKE OF SOMERSET moved for a Select Committee to inquire into the present state of the Harbour and Fortifications of Alderney. It would not be necessary for him to trouble their Lordships at any length, because the Government were about to assent to the appointment of the Committee. Their Lordships were aware that the harbour and fortifications of Alderney had been a source of heavy expenditure to the country. He need not go back to the year 1844 and state under what circumstances the works were begun; he would come to 1870. It had been considered that the harbour had been completed since 1865 or thereabouts. But in 1870 a storm came on which damaged the breakwater and very much injured the harbour. The Government, thereupon, took what, in his opinion, was the wisest course. They employed an eminent engineer (Mr. Hawkshaw) to go to Alderney and examine the works, see what was the amount of damage done, and whether any portion of the harbour and breakwater were still in a sound state. The gentleman so employed set about what would have been really useful work if he had had time to finish it. In his first report, he stated that it would take some time to make a really useful report, such as could be trusted, inasmuch as in order to tell how far the damage to the breakwater extended it was necessary for him to take a number of cross sections and measurements. He was authorized to do that and to have the breakwater examined from time to time. But, in the meantime, the subject came on for discussion in the House of Commons; and that House, alarmed at the great expenditure that was going on, determined—rather hastily as he thought—to give no more money for Alderney. When the engineer heard that, he packed up his measurements and his instruments, and came home. Since that nothing more had been done at Alderney; but at the request of the Government the engineer had made a report of the re-

sult of his examination as far as it had been carried. He reported that it was very probable the remaining portion of the breakwater would be washed into the harbour, and the whole works be in that way spoiled. A sum of over £250,000 had been expended on the forts and on a railway which had been constructed as a means of communication between the harbour and the forts. Of course, as the breakwater was at present useless, the harbour was useless, and the whole of the defences were useless. It would be impossible in the present state of the place to arm the forts, or send over the military required to defend them. The whole question of Alderney had, therefore, been placed in abeyance. The Treasury was naturally anxious to save money, and it told the people of Alderney that it could hold out no hope to them of anything more, because the harbour had already cost a great deal; and it reminded them that the people of Alderney did not contribute to the public Revenue. It was quite true that the people of Alderney did not contribute to the public Revenue; but it was equally true that they had no representative in Parliament, and, therefore, they naturally looked to their Lordships to do what they could for them in looking after their interests, which, having no Member in the other House, they could not get done there. But there were other reasons why their Lordships should be willing to give some attention to this subject. Their Lordships knew that the works were commenced under the sanction of the Duke of Wellington and other distinguished officers, who considered the works at Alderney essential for the protection of the Channel, and very important to the defence of the United Kingdom itself. He (the Duke of Somerset), when First Lord of the Admiralty, had had communication with the first military authorities on the subject; and, at his instigation, Mr. Sidney Herbert, the then Secretary for War, personally inspected the island. He himself visited the island three times, with Sir John Burgoyne, Sir George Lewis, and Lord Ripon, accompanied by eminent military authorities. Lord Herbert consulted with Sir John Burgoyne as to the expediency of maintaining the works; and that eminent officer was in favour of their being continued. He said that nothing would be easier than to defend

the island with 5,000 men against any enemy, if those works were completed. Lord Herbert said the difficulty was not to defend it against an enemy, but to defend it against the House of Commons. He was afraid they would never be able to complete the works. The military works had been completed, and he believed they were very perfect; but the harbour had broken down; and the question was, what course, under the circumstances, ought to be taken. He (the Duke of Somerset) thought it would be unwise to incur a very large expense on the harbour, because when the most that could be made of it was made it would always be a very bad harbour; but so much money having already been spent on the breakwater, it might be desirable to do what was necessary to repair the portion that remained sound—if, indeed, any part remained—so as to make the harbour so far available that troops could be landed and war supplies could be taken over to the fortifications. He thought these views deserved consideration. It seemed almost childish to say that we ought to leave Alderney as it was, after having expended £1,250,000 on what had been done there. He submitted to their Lordships, therefore, that it would be only reasonable to have an inquiry just to see how the immense expenditure on Alderney could be wound up, the forts and harbours being made what they ought to be for the defence of the island. This would benefit the inhabitants, who, if they had no harbour, would have no efficient means of communicating either with the other Channel Islands or with England herself.

Moved, "That a Select Committee be appointed to inquire into the present state of the Harbour and Fortifications of Alderney."—(The Duke of Somerset.)

EARL COWPER thought that if their Lordships were to examine the plans and had the whole history of the works at Alderney before them they would arrive at the conclusion that a more extraordinary monument of mismanagement and folly it would be difficult to find. In 1845 the works were commenced under the influence of a panic of invasion, and the point fixed upon was a mass of shoals and rocks between which it was difficult to find a passage. The harbour was begun on a comparatively small scale;

but every succeeding First Lord of the Admiralty had had a new scheme brought before him, and the result was that about £1,250,000 had been spent at Alderney. The noble Duke (the Duke of Somerset), he believed, when First Lord, instead of extending the scheme, tried to curtail it a little; but ultimately the Admiralty got sick of it, and turned it over to the Board of Trade. That Board was a most extraordinary body to have charge of it. The harbour was of no value to the shipping trade, and as a harbour of refuge it was not of the slightest use, for no master of merchant ships, however great his danger, would ever think of attempting to run into it. Last year the House of Commons, after having grumbled for many years, refused to pay any more money for the undertaking. It remained, therefore, for the Board of Trade to see what they would do. There was a contract already existing; certain work had been done badly, and the Board decided on abandoning the whole scheme. It was quite true that an enormous amount of money—more than £1,000,000—had been spent upon it; but Mr. Hawkshaw reported that it would take £250,000 to prevent what work had been already done from falling to pieces. That amounted to an annual charge of £10,000. If the last 1,000 yards were abandoned £150,000 would be required. Her Majesty's Government had no objection to such an inquiry as that suggested by the noble Duke. All parties in this country were to a certain degree responsible for what had been done in the matter, and all parties were interested in arriving at a conclusion as to whether any more money ought to be spent, or whether it would not be wiser to put up with the expenditure of £1,250,000, which could not now be recalled, and spend nothing more.

Motion agreed to.

And, on Friday, March 15, the Lords following were named of the Committee:—

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|-----------------|-------------------------|
| D. Cambridge. | E. Camperdown. |
| D. Somerset. | L. Colville of Culross. |
| D. Marlborough. | L. Skelmersdale. |
| E. Lauderdale. | L. Seaton. |
| E. Cowper. | L. Lyveden. |
| E. Grey. | |

House adjourned at half-past Five o'clock,
to Thursday next, half-past
Tea o'clock.

HOUSE OF COMMONS,

Tuesday, 12th March, 1872.

MINUTES.—NEW MEMBERS SWORN.—Edward Wells, esquire, for Wallingford; John Reginald Yorke, esquire, for Gloucester County (Eastern Division).

SCOTLAND—ALIENATION IN MORT-MAIN.—QUESTION.

MR. NEWDEGATE asked the Lord Advocate, Whether it is the intention of Her Majesty's Government, now that the Law of Death-bed has been repealed, to introduce any measure for the limitation or restraint of the alienation of property in Scotland, whether real or personal, in mortmain?

THE LORD ADVOCATE, in reply, said, he was not at that moment able to give an answer to the hon. Gentleman's Question. The subject was under consideration, and he hoped he would have it in his power before long to give the hon. Member the information he required.

EDUCATION—SCHOOLS UNDER SCHOOL BOARDS.—QUESTION.

MR. STAPLETON asked the Vice President of the Committee of Council, Whether he will grant a nominal Return of the Schools now under School Boards, distinguishing those which have been taken over from those which have been founded; and distinguishing those in which the Bible is read without comment from those in which it is explained; and stating, as far as possible, the nature of the explanation with reference to its dogmatic, doctrinal, or purely moral character?

MR. W. E. FORSTER said, he was very anxious to give all the Returns possible with regard to the Education Act; but he feared he should have to object to the Return in question, and he hoped his hon. Friend would not press for it. He stated a week ago that there were above 191 schools under the school boards, the number was increasing every day, and would go on increasing in a much greater ratio, and it would be very little guide either to his hon. Friend or the House if he were to give any later Returns. He must also decline to give any Return as to whether any religious

instruction was given in those schools, and, if so, of what kind; because he had no official means of ascertaining it, nor did he think it expedient that the Education Department should enter into a correspondence with the school boards on the subject. The information he mentioned the other night he obtained from the School Board Circular, to which he must refer the hon. Member.

IRELAND—THE BREHON LAWS.

QUESTION.

MR. SMYTH asked the Chief Secretary for Ireland, If he will state to the House what number of Copies were taken of the transcripts made by the eminent Irish scholars, the late Eugene O'Curry and John O'Donovan, of the fragments of the Brehon Laws contained in manuscripts in the libraries of Trinity College, Dublin, the Royal Irish Academy, the British Museum, and the Bodleian Library, Oxford; in whose custody each of these transcripts now is; whether it is the intention of the Government to carry out the original purpose for which the Copies were made, and present them to the chief public libraries of the Empire; and, whether the Government would be pleased to direct that Copies of the translations of the Laws made by the scholars in question should be taken and placed in libraries, like those of the Royal Irish Academy and British Museum, where they would be accessible to scholars?

THE MARQUESS OF HARTINGTON: It appears, Sir, from the third Report of the Ancient Irish Laws Commission, presented to Parliament in 1864, that 20 Copies were taken of the transcripts. The following Report on the subject has been made by Dr. Graves, Bishop of Limerick, hon. Secretary of the Ancient Irish Laws Commission:

"The Copies of the transcripts of the Brehon Laws which were prepared under the direction of the Commissioners for publishing the Ancient Laws and Institutes of Ireland, except as far as they were used by the late Dr. O'Donovan and Professor O'Curry in the construction of a glossary and a paragraph index, and otherwise used in the business of the Commission, and except one Copy deposited in the Manuscript Library of Trinity College, Dublin, in which the principal part of the original Brehon Law manuscripts is preserved, are kept in the chambers in Trinity College appropriated to the business of the Commission by Professor O'Mahony (Professor of Irish in the University of Dublin), who has been engaged in editing the volumes of the laws already published and the volume now in the press. The

Copy in Trinity College Library was deposited through the late Dr. Todd, Librarian of Trinity College, one of the original Commissioners. No application has been made to the Commissioners by the authorities of any other public library to have Copies deposited therein. In consequence of the Question now asked by Mr. Smyth I will bring the subject before the Commissioners with a view to have their original plan of having surplus Copies of the transcripts deposited in the leading libraries, as stated in their Report of the 16th of January, 1861, now carried out so far as Copies not previously used or not required for the business of the Commission will permit. As to the Question respecting translations, the only translations made by Dr. O'Donovan and Professor O'Curry in the custody of the Commissioners are their preliminary translations made for the use of the Commissioners. The portion of this preliminary translation, in part edited by Dr. O'Donovan in his lifetime, underwent considerable revision, and the principle of revision so sanctioned by Dr. O'Donovan has been carried out in the volumes (chiefly of his translations) already published as well as that now in the press. It would appear, therefore, that the original plan of the Commissioners should be adhered to—namely, that the translations should only be published after careful editing and revision; and that no part of the preliminary and unrevised translations should be made public, except such portions of them as may at the close of the business of the Commission remain unedited and unpublished."

ARMY—DEPOT CENTRES—HEREFORD-SHIRE MILITIA.—QUESTION.

SIR HERBERT CROFT asked the Secretary of State for War, Whether, under the new scheme, the Herefordshire Regiment of Militia will in future assemble at Brecon for training instead of at Hereford; and, whether the present Barracks at Hereford will in future be required for Military purposes, and have to be maintained at the expense of the County?

MR. CARDWELL said, in reply, that the Herefordshire regiment of Militia would, when the new scheme was introduced, assemble for training at the dépôt centre. When the proposal was laid on the Table of the House Brecon was mentioned as a dépôt centre, subject to further consideration. The Hereford barracks would in future be required for military purposes; but, under no circumstances, would they be maintained in future at the expense of the county.

ARMY—DEPOT CENTRE FOR THE WEST OF IRELAND.—QUESTION.

MR. ENNIS asked the Secretary of State for War, If there be any truth in

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the report that Castlebar is to be made the dépôt centre for the West of Ireland, instead of Athlone; and, when an opportunity will be afforded to the House of discussing the proposed scheme for the localization of the Army?

MR. CARDWELL, in reply, said, in the proposal that had been laid upon the Table of the House the alternative was put to Athlone or Castlebar. Athlone was a great military station where the barracks were occupied, and there were barracks at Castlebar which it was thought might be convenient for the purpose.

EDUCATION—SCHOOL ACCOMMODATION. QUESTION.

MR. J. S. HARDY asked the Vice President of the Council, Whether he intends to compel parishes to provide school accommodation for children between three and five years of age, when ample accommodation already exists, or is about to be provided, for all children exceeding five years, without resorting to a rate?

MR. W. E. FORSTER said, in reply, that no age was fixed in the Elementary Education Act for providing school accommodation. When the Bill was passing through the House he stated that he thought the requirements of the Department must be in some measure dependent on the circumstances of each locality, and that was the answer he had to give to the Question of the hon. Member. If the Department considered there was a deficiency, the accommodation notice would be sent to such districts, and they would have an opportunity afforded them of disputing that deficiency. The Act did not settle the question of compulsory accommodation. He should be sorry to give the impression that he did not think school accommodation should be provided for infants from three to five. Attendance began to count under the code at three. But if ample accommodation was provided in a district for all children above five, it would probably be found that those between three and five were also provided for.

ARMY—ARTILLERY MILITIA (IRELAND). QUESTION.

MR. OSBORNE asked the Secretary of State for War, If the members of the Permanent Staff of Artillery Militia in

Ireland are to be retained when the proposed organisation of the Army and Militia takes effect?

MR. CARDWELL replied in the affirmative.

NAVY CONTRACTS—H.M.S. "GANGES."
QUESTION.

MR. R. N. FOWLER asked the First Lord of the Admiralty, Whether he has any objection to advertise the Contracts for the Clothing of the Boys of Her Majesty's Training Ship "Ganges," so that the local contractors may have an opportunity of competing?

MR. SHAW LEFEVRE said, in reply, these contracts for training ships were made by the commanders, and in the case of the *Ganges* he did not see any reason why the rule should be departed from.

INDIA—AUDITOR OF INDIAN ACCOUNTS.—QUESTION.

MAJOR ARBUTHNOT asked the Under Secretary of State for India, If he will state the reason of the delay in appointing a successor to Sir George Jameson, late Auditor of Indian Accounts, who died on 24th October 1871; and, whether it is intended to fill up the post; and, if so, when?

MR. GRANT DUFF, in reply, said, the delay had arisen in consequence of certain doubts as to the best method of carrying into effect the provisions of the statute under which the Auditor of Indian Accounts was appointed. These doubts were now at an end, and he hoped that the vacancy would be filled within the next few days.

**PARLIAMENTARY BUSINESS
(SCOTLAND).**

MOTION FOR A SELECT COMMITTEE.

SIR DAVID WEDDERBURN*: Sir, the subject which I venture to lay before the attention of the House is a limited branch of one which must ere long attract the attention of Parliament—namely, whether it is possible in any way to relieve Parliament in some measure of the accumulated weight of legislative work, which almost threatens to overwhelm it. So many difficult points in connection with our procedure, and also so many points concerning the different members of this Empire are mixed up in the question, that I should not

have ventured to take upon myself to meddle with the subject had I not intended strictly to confine myself to one branch of the inquiry with which I happen to be particularly familiar. No doubt the case of Scotland is a peculiarly favourable one to take up on first commencing this inquiry, because it is uncomplicated at present with any popular excitement or political feeling. No doubt there are other very important questions in immediate connection with the subject. I might instance among these all private legislation—that is to say, all personal and local legislation, which seems to be now ripe, and is in very able hands. There is also the case of Irish business, which has many points in common with the case of Scotland, but at the same time has also many important differences of its own, so much so, that I cannot help somewhat regretting that the discussion to-night should be complicated by the Amendment of my hon. Friend the Member for Dublin (Mr. Pim). At the same time, I cannot be surprised that he should have placed his Amendment on the Paper, for I know he takes a great interest in the question, and that his own view of the subject coincides to a great extent with my own. I know that in bringing this subject forward I may be told that I am attempting Home Rule for Scotland. Before either admitting or denying the truth of the assertion. I would ask exactly what is implied in the term "Home Rule?" If by the demand for Home Rule is meant any disaffection or discontent, or any desire to break up the connection which at present unites the different members of this kingdom, I need hardly say that no such demand either has been, or is likely to be, made by the people of Scotland—and I certainly am not here to advocate any such proposition. On the contrary, it is because the very centralization of our present system seems to menace in various parts of the Empire the integrity of our Empire that I now would call the attention of the House to its evil effects in a part of the country where no such danger can be at all apprehended. The people of Scotland are sufficiently well educated and sufficiently self-reliant to know that the prosperity of their country depends rather upon their own ability and industry than upon any legislative advantages which can be conferred upon them either by the Government or by

this House. They also appreciate fully the enormous advantages which they have derived from their union with England, and they appreciate those advantages far too well to wish to dissolve or even to relax the bonds of that union. Since 1707, Scotland has risen from a state of comparative poverty to be one of the most flourishing and prosperous communities in Europe, and it is not in times of material prosperity we generally hear much of political discontent. And while I think there are many reforms on which the people of Scotland have set their mind, it would be exaggeration to assert that the delay of those reforms has as yet produced any deep-seated or wide-spread discontent. What might be the effect of any serious check to the prosperity which exists I cannot say. It is not for me to predict what would be the results of events which might render silent the looms of the eastern counties or the steam hammers of the west. I will only say that there do exist serious obstacles in the way of Scotch legislation, and if I succeed in proving this to the satisfaction of the House, it will be for those of greater knowledge and experience than myself to indicate the method by which these obstacles may be obviated or removed. I think the bonds which unite the various members of the United Kingdom may be strong, and at the same time sufficiently elastic to admit of very considerable development on the part of the individual members who compose the kingdom. Decentralization has not been found to tend in any way to disintegration, and of this there have been recent examples not only in many European countries, but in our own colonies, and at the present time in India also. In the case of Scotland, we have a distinct system of laws and customs, and of traditions; and it appears to me that if those laws and customs are to be re-formed and re-modelled, so as to suit the growing wants of the community, this will be best done by the people themselves, through their Representatives, with as little interference as may be on the part of those who are not familiar with the particular laws, customs, and institutions. I might place the impediments which at present exist to Scotch legislation under four heads, of which the last is certainly the most important, and the one for which it seems the most difficult to find a remedy.

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The first of these is, that Scotland is at present without any official representation either in the Cabinet or in the House of Lords; the second is, that there exists, and has existed since the Union, no efficient machinery for giving Scotland the benefit of the United Kingdom legislation; the third impediment is, that the Representatives of Scotland, a mere handful in this House, are liable to be outvoted when tolerably unanimous among themselves, by English and Irish Members; and the last is, that it is impossible for Parliament to give sufficient time and attention to discuss in detail the measures which affect Scotland only. The first of these difficulties is perhaps one of minor importance, and no doubt if the Government were disposed to consider it worth while to do so, they could easily remove it. In order to see how we stand, we may compare our case with that of Ireland. All Government measures affecting Ireland are introduced in this House by a Member of the Cabinet, and enjoy the prestige of his support; while, in "another place," there are noble Lords officially connected with Ireland—the Lord Lieutenant and the Lord Chancellor of Ireland—who are able, both officially and by the weight of their personal knowledge, to advocate and promote Irish measures. The Scotch people, on the other hand, have no official Representative in the House of Lords, and in this House we have only the Lord Advocate, who seems in his own person to combine the functions of Home Secretary, Attorney General, Patronage Secretary, and Public Prosecutor for Scotland. It is impossible for any one man, however able and energetic, to efficiently discharge such multifarious and difficult duties. Then with regard to the absence of machinery for extending to Scotland such measures as embrace the whole of the United Kingdom, I would say that there was hardly to be found in any early Act of Parliament passed subsequently to the Union any mention of Scotland, although most of the Acts then passed seemed to be intended to apply to the whole of Great Britain. The result of this was the greatest difficulty and doubt as to what was really the law of Scotland, and 50 years after Acts of Parliament had been passed, it was only upon a consultation of the whole Court of Session, and then only by a bare majority,

that it was decided in certain cases whether these acts did or did not apply to Scotland. In more recent times—20 years ago—attempts were made by special clauses to apply certain measures to Scotland; but the Bills were drawn by English lawyers, unfamiliar with the technical phraseology of the Scotch law, and the result was that there was still much of difficulty and uncertainty. After a time, in fact, it came to be found that the simplest method of dealing with the matter was to exclude Scotland from the operation of all United Kingdom Bills. So much was that the case that for years the clause, “this Act shall not apply to Scotland,” was almost the only legislation which included her at all, except such Bills as were exclusively applicable to Scotland. The effect of this system was that a great many small Bills had to be introduced in Parliament in order that Scotland might not be left in a worse position from the reforms and amendments which had been introduced into the law of England. A striking instance of this is to be found in the Bill which was introduced last Session, but failed to become law, whose object was to extend to Scotland the operation of the Betting Houses Act of 1853. The Act of 1853 did not apply to Scotland, and the result was a transference to that country of the headquarters of betting, with its concomitant disadvantages and inconveniences. The simple object of last year’s Bill was therefore to place Scotland in the position which she occupied previously. In the same way I might mention the Habitual Criminals Act of 1869, and even the Dogs Bill of last year—the result being in every case a great waste of time and power, and a considerable demand upon the public purse. With regard to the third difficulty, I must plainly confess that the instances in which the wishes of the Scotch people and votes of the Scotch Members have been overridden by the majority of this House are comparatively rare. It is only when a question or a Bill, intended to apply to Scotland exclusively, appears prospectively to affect the law of England that we find English Members—the bulk of this House—voting against the clearly-expressed wishes of the Scotch Representatives. On such subjects as the Game Laws, or, to be more special, the Law of Hypothec,

it will be admitted that this has been the case. The unfamiliarity with our technical phrasology, which is elsewhere a difficulty, has been to us somewhat of an assistance. The last point is, as I said before, the most difficult of all, for the want of time in Parliament is by no means peculiar to Scotland, but is felt by all sections of the community. The only difference, so far as Scotland is concerned, seems to be that she of all the three kingdoms suffers most severely from the want of time to which I am referring. Time is what we want in order to discuss the details of our measures, and that is precisely what Parliament will not give us. At the beginning of Parliament it seemed as if this was only an acute evil, caused by the special necessities of Ireland, and not likely to be chronic; but last year showed that it was a difficulty which would increase rather than diminish. The fact is, that to legislate for a country of 3,000,000 of people involves very nearly as many difficulties as to legislate for 30,000,000. When great questions—such as that of education—are being discussed there will be quite as important principles involved, and quite as much controversy and difference of opinion, if the population were counted by millions as if it were counted by tens of millions. If Scotland were in the position of Wales or Lancashire, or any portion of England, this would not hold true, because in England Members would be familiar with the forms of the measures to be discussed, and any peculiarly local wants would be fairly enough represented by the number of votes which Scotland would command in this House. The real difficulty lies in the distinctive institutions—the legal phraseology of Scotland. The problem before us is that we have to legislate separately for an independent Province in our Imperial Assembly, and the solution of the problem as at present worked out, is that it is impossible to obtain from this Imperial Assembly time to discuss details which are unfamiliar to the great bulk of the Assembly, in which they feel no direct interest, and for which they have no direct responsibility. It is a question whether it is not desirable that the legal system of England and Scotland should be assimilated. In many points the Scotch system has much to recommend it, and no doubt it may be also

said to be inferior to the English; but so great are the disadvantages to the smaller country under the existing system of legislation, that I, for one, could almost wish we had identically the same laws. On the other hand, we must recognize fairly the fact that the two systems are different and distinct in spirit and in form, and that although recent legislation has done much to assimilate them in spirit, it has done little or nothing to assimilate them in form, and so long as these formal distinctions exist, all these difficulties in legislation must exist also. One of the grievances, though perhaps a mild one, of which we have to complain, is that, while Scotland may be included in a Government measure, she does not derive anything like her share of advantage from the legislative labours of independent Members. Any measure for Scotland, introduced by an independent Member, and meeting with any serious opposition, is certain to be lost, and few independent Members would like to weight a measure intended to apply to England by adding such clauses to it as would make it workable in Scotland. The result is seen in the circumstance that we have introduced in this Parliament by Scotch Representatives measures which do not extend to Scotland. Yet, Sir, after all, the case is simple enough. Scotland is a prosperous and contented country, and supports with somewhat remarkable unanimity the present Administration. All that she asks from the Administration and from this House is sufficient time to discuss the details of certain reforms upon the principles of which she has pretty well made up her mind. If the question had been left entirely to the Representatives which Scotland sends to this Parliament, I hardly think that three Sessions would have passed without some efforts having been made to pass those measures in order to promote which some of us were sent here three or four years ago. There are, for instance, popular education, feudal tenure, road reform, the game laws, hypothec, and a number of others that I might mention, and they are all questions which have been practically left as yet untouched during these three Sessions by a Government which numbers 51 out of 60 Scotch Representatives among its supporters. It almost seems as if we must rest satisfied with giving a powerful casting vote on

Imperial measures, and with interfering now and then, perhaps not always with advantage, in English and Irish measures; but we are never to have a fair opportunity of settling our own domestic affairs. To some people the position of the Isle of Man or the Channel Islands might almost appear more enviable, for they have no Imperial cares or responsibilities, but are left to reform their institutions in conformity with their growing wants, and in harmony with their local conditions, customs, and habits. There is no doubt that at present an uneasy feeling is beginning to arise in Scotland that her affairs are being neglected by Parliament. There is also very considerable difference of opinion as to where the blame for this defect actually lies. Some are inclined to throw the responsibility upon the Cabinet, others upon the Lord Advocate; while others, again, seem to think it is pretty equally distributed among the Scotch Members generally. I do not wish to attempt to determine whether each or any of these suppositions may be correct, or how the blame, if any, should be distributed. For my part, I am not disposed to throw the blame upon individuals at all; the difficulty seems to be owing to the defects of the system rather than to any of the officials at present concerned with the administration of these matters. Of this I am quite certain—that even with the best intentions on the part of the Government, and with the greatest energy and devotion possible on the part of the Lord Advocate and of Scotch Members, it would be impossible for us under the present arrangements to obtain as much time as we ought to have for discussing the numerous important measures which have to come before us. It is not at all surprising, Sir, that the Government should give precedence to such Bills as the Parks Bill, or the Thames Embankment Bill, because those interested in such Bills form the great bulk of the House, and perhaps some Members of the House or the Government may themselves feel an interest in them as citizens of London. I have heard it said by hon. Gentlemen near me—"Who cares about your Scotch Education Bill? Is not England, Ireland, and Scotland of more concern, and are they not all calling for the Ballot—which is an Imperial measure?" It seems to me that this cannot be denied, and if

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we are to pass this Education Bill into law, we shall have no proper opportunity of discussing the details in Committee of the Whole House, but we shall have to settle it in the Lobbies or in private meetings as is customary amongst Scotch Members. That custom of settling Scotch Business by what is known in America as 'caucus' has, I fancy, recently fallen into disrepute. These meetings are entirely of a private character. Their discussions are private, and whatever the decisions arrived at, the minority do not feel themselves bound by them. They protest against the decision of the majority of such a meeting being accepted in any degree as representing them, and the result is that the time is lost, and the whole thing has to be gone over again within the walls of this House. At the same time, there is no doubt that these private gatherings do exercise a certain influence; but the great misfortune of the business is that it gives a certain hole-and-corner character to Scotch legislation, which tends to diminish the legitimate influence of the Scotch Representatives. Well, Sir, I mean to say this—and I say it not in any sense of hostility to the English or Irish Members, or with a fear that they are hostile to Scotch reforms—all that I fear is the indifference of the bulk of the Members to those matters affecting ourselves only; and it is in that direction that I must look for some change which will enable us to obtain sufficient time to discuss such matters as we consider necessary. I may instance the cases of many Bills and measures which have failed to become law, not because Parliament disapproved of their general principles, but for this simple reason—that they never came on in this House until such a late hour that it was absolutely impossible to deal with them. Of course, there is not one amongst them to be compared in importance with the Education Bill, and I think the history of that Bill during the present Parliament is somewhat instructive. It was a matter affecting the very highest interests of the whole nation of Scotland, and it might fairly have been expected that the Bill would have obtained a considerable share of the time and the attention of this House. But its history, until the last few weeks, has been this: It was introduced from year to year by the Government, first in "another place," sub-

sequently in this House. It was never fairly debated to a second reading. A short discussion did take place on it, and then it went into Committee *pro forma*, to re-appear in a shape in which it was almost unrecognizable. It then went into Committee for regular discussion, and almost the whole of its clauses were debated and settled between the hours of 12 and 4 on the August mornings. Subsequently its fate has been very little better, until within the last few days, and here, I take it, the exception proves the rule, for we have at least during three Sessions had one full Government night for the discussion of a Government measure. We have settled almost unanimously by vote in this House the principles of this Bill; but there is an immense number of details on which very great difference of opinion exists, and upon which there will be much discussion, I have no doubt. The Government have given us one full night; but when they can give us another, I think the right hon. Gentleman below me would be puzzled to state. I fear the matter will have a somewhat similar fate to that which has befallen similar Bills in previous years, and that there will be no opportunity of going into intricate details. It seems to me that so long as the House of Commons takes upon its shoulders to settle all the details of private legislation, as well as all the details of public measures, affecting only portions of the United Kingdom, we shall fail in finding any remedy for the evils of which we complain. Being still an inexperienced junior Member of this House, I feel great diffidence in hinting at any supposed remedy. At the same time, I would suggest that if we could obtain an entire relief from all details of private legislation, and if we could bring ourselves to treat public measures, affecting portions only of the United Kingdom, in somewhat the same manner in which mere personal and local Bills are treated now, a great deal of relief would be afforded. When any measure has received the sanction of this House as not being contrary to the policy or the constitution of the Empire, why should not the details of that measure be referred to a Committee—a Public Committee—those who are acquainted with the details, who are interested directly in them, and who are directly responsible to their constituents for the pro-

per management and carrying out of those details. It seems to me by some such change as that there would not only be economy of time and labour, but an enhanced sense of responsibility in those concerned. It is sometimes said now that the legislative machinery is choked with the raw material, and requires relief. If this be true, the wants of Scotland deserve special consideration, as having been specially a sufferer, partially owing, no doubt, to the patience and good temper that the Scotch people have displayed. I only ask, Sir, for inquiry. It would be very presumptuous to dictate in what way that inquiry should be conducted. As it now seems to me, a Select Committee of this House would be the best means, and it is with this view that I gave Notice of the Motion which appears on the Paper to-night. Thanking the House for the kind attention they have given me while I have ventured to explain what is necessarily a dry subject, I would venture to move that a Select Committee be appointed to inquire and report upon the best means of promoting the despatch of Scotch Parliamentary Business.

SIR ROBERT ANSTRUTHER, in seconding the Motion, said, that the able and interesting way in which his hon. Friend had brought the subject before the House, and the ample manner in which he had entered into the question, left him (Sir Robert Anstruther) little to say. But he would bear his testimony in confirmation of the statement of his hon. Friend, and state that there was a very deep feeling in Scotland that in the present Parliament, at all events, Scotch business had been neglected. The fact that many measures that had been promised had not been introduced at all, and that many of those that had been introduced had failed, was a matter of serious dissatisfaction in Scotland. It was true that there had not been much excitement in Scotland, for the Scotch people were not of an excitable nature—they were a patient and long-enduring people, and, though they felt much, it took long before they did anything in a hasty, rash, or, as he might say, Irish manner. One great hindrance to the progress of Scotch business was, as his hon. Friend had stated, that the House was so encumbered with a mass of details, which made it impossible to get through properly all the business it took

in hand; and it appeared unaccountable to him that it should be insisted on that every clause in every Bill and every word in every clause should be discussed in a full House of over 600 Members. He regretted that the Government did not deal with this subject in a more comprehensive and efficient manner. The scheme laid before the Committee of last year by Sir Erskine May was well worthy of consideration. If adopted it would relieve the House of a great amount of detail, which encumbered the progress of business, and remove one obstacle to good Imperial legislation. There was another hindrance to Scotch legislation—and perhaps the main one—and that was the method in which Scotch business was done by the Government. He did not desire to say one word in disparagement of his right hon. Friends, the Home Secretary or the Lord Advocate. The Home Secretary was nominally responsible for all Scotch business—for doing it or not doing it. He had to lay it before the Cabinet; he had to find time for bringing it before Parliament, and he had to urge it on through the Legislature. Let them ask, was it possible for him to do this in a satisfactory manner? They all knew the difficulties which the Home Secretary had in bringing on his own business—business on which he had set his heart. Perhaps if he were a little more hard-hearted in the Cabinet, more time would be allowed for the consideration of his measures. Knowing what they knew of the business of the Home Office, was it possible that the Home Secretary could find time for Scotch business? The right hon. Gentleman could not do it—he could not find time for his own Home Office business. He occupied a very anomalous, and, as he thought, a very unfortunate position. The Lord Advocate was at the head of his profession in Scotland, and was obliged to give up a large portion of his practice in order to attend to the duties of his office, the emoluments of which were not sufficient to compensate him for the sacrifices he made. He was obliged to come to London to draw Scotch Bills, and had the mortification to see that they were not proceeded with. He had not power to bring them before the Cabinet or to force them through the House. Such a state of things was most unsatisfactory. In Scotland the Lord Advocate was held responsible for

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it; but they did not know that he was practically powerless in the matter, and that he could not press Scotch business forward as it ought to be. It was not for him to suggest what would be a successful remedy. His hon. Friend the Member for Dublin (Mr. Pim) had a Motion on the Paper to send Irish Bills to "Grand Committees," consisting of Irish Members; but if that was done, must not Scotch Bills be also sent to Committees consisting only of Scotch Members, and English Bills to English Committees? He certainly should not like to see those Committees composed only of Irish, Scotch, or English Members. He thought that even Irish Committees would not be the worse for some infusion of the quiet, cunny, Scotch element; and, on the other hand, a slight admixture of the Irish element in a Grand Scotch Committee would, at any rate, make its proceedings more amusing. One thing, however, was clear—as matters now stood no Scotch business was done at all. Formerly the question was whether it was well done or ill done. They had now simplified the matter—it was not done at all. It was necessary that a change should be made. What that change should be he would not presume to say. It was not fair that Scotch business should be pushed into a corner of the Home Office. He believed it would be impossible to have Scotch business properly attended to until it was placed in the hands of a Scottish Secretary of State, with a seat in the Cabinet, who should be distinctly responsible for its performance. It might be said that was too much to ask. He did not think it was. He hoped the Government would give their best consideration to the whole of this matter, and he had great pleasure in seconding the Motion of his hon. Friend.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire and report upon the best means of promoting the despatch of Scotch Parliamentary Business."—(Sir David Wedderburn.)

MR. PIM rose to move, by way of Amendment, to add the words—

"that the Committee shall also inquire as to the best mode of remedying the inconveniences now existing as respects the transaction of Irish business."

He said, that the arguments advanced in support of the Motion of the hon.

Member for Ayrshire, in respect of the business of Scotland, strengthened his own position as much as anything he could say. With respect to Private Bill legislation, he trusted that any further efforts on the part of private Members to provide a remedy for existing grievances would be rendered unnecessary by the scheme which was to be submitted to the House by the Chairman of Ways and Means. It was generally admitted that some means must be found by which the expense of private business could be reduced; and that applied as much to Scotland and England as to Ireland. But Irish Members, in proposing legislation on the subject, had not considered that they were justified in attempting to do more than to provide for the case of Ireland. During the last three years a large amount of time had been devoted to Irish subjects, and certainly Irish questions, when they became Cabinet or party questions, obtained full consideration; but unless they assumed this prominence, however important they were to Ireland, it was impossible to get them fairly considered; and that remark applied equally to similar measures relating to Scotland. For years past but little attention had been paid to Irish matters until they had been forced on the consideration of Parliament by the prevalence of crime, or by agitation of such a character as to verge upon sedition. The truth had been stated in a speech made at Liverpool in January by the Earl of Derby, in which he said that the shooting of landlords and agents caused Parliament to listen to the demands of the peasantry, and that if Ireland had remained quiet we should have heard nothing of the Irish Church and the Irish Land Acts. This was a painful avowal of a state of things which certainly ought not to exist. He (Mr. Pim) would admit that the neglect of legislative measures for Ireland was not due to the unwillingness of the Government to forward them; the Government was sincerely anxious for improvement; but the House had not time to devote to the proper consideration of the subjects brought before it. Last Session the House would have devoted any amount of time to the Bill for putting down the unlawful combinations in Westmeath; but there were also 14 other Irish measures before Parliament, and all could not receive proper con-

sideration. Very few of these Bills were opposed on the second reading — the principles of them were admitted, though no doubt they required amendment in details. Only five of them got into Committee before the end of June, three in July, and seven in August—one of them as late as the 17th of that month, and the Parliament was prorogued on the 21st. The majority of these Bills were considered after 1, and in many cases after 2 o'clock in the morning, when, of course, it was impossible that due consideration could be given to their details. In the case of the Local Government Act certain towns were exempted from its operation solely to avoid opposition, which, by delaying the Bill, might have occasioned its loss. It was impossible that there could be judicious legislation for Ireland and Scotland under such circumstances. The Government habitually consented to alterations of Bills which were suggested in private, and that was a most improper way of conducting Public Business, because the reasons for such alterations ought to be stated in public. On the whole, Irish Members felt that they had little control and influence over the legislation for their country; and it was not surprising if, feeling their want of power, they became indifferent to their responsibilities and negligent of their duties, and absented themselves from discussions which appeared unpractical and useless. The remedy he proposed for these grievances was that all public Bills relating to Ireland alone, or to Scotland alone, should be referred, after passing the second reading, not to a Committee of the Whole House, as at present, but to a Grand Committee of the Irish or Scotch Members, as the case might require. The result of such an arrangement would be a much better attention to the details of all such measures, and great saving of the time of the House, and a good security that the legislation would really meet the wants and satisfy the wishes of the people in whose interest it was passed. It was well known that few English Members had any real acquaintance with Irish subjects; and as to Scotch business, whether it were owing to the Roman law or not, neither Irish nor English Members understood anything about Scotch law; and it was, therefore, absurd to suppose that they were competent to revise Scotch Bills. If the proposed ar-

rangement were adopted, the general control of the House over Irish and Scotch Bills would be exercised upon the second reading, while the details would be considered by those Members whose local knowledge qualified them for it, and who would feel their responsibility to their constituents more keenly when thus acting in a Committee apart from the rest of the House. Another advantage of his proposal would be that greater publicity would be obtained for the discussions on those Bills. At present, reports of the debates on Irish Bills rarely appeared in the London papers, and much inconvenience was thus occasioned. But if his plan were adopted, these Grand Committees would no doubt meet in the daytime, thus giving greater facilities for reporting the debates. Day sittings would be a great improvement, for however clever a man might be, his head was much clearer at 2 o'clock in the afternoon than at 2 o'clock in the morning. It had been objected that, if this scheme were adopted, it might be impossible to get Irish Members to pass measures that might be required for the government of that country; but, in his opinion, it would be better that such measures, however good in themselves, should not become law, than that they should be passed in opposition to the wishes of the Irish people, as expressed by their Representatives in that House; and, so far from it being impossible to pass measures for the preservation of the peace in Ireland, he thought that Irish Members would be the first to take the responsibility of proposing them if they believed them to be necessary and for the good of their country. Another urgent plea for the adoption of the scheme was that it would effect a great saving in the time of the House. The House undertook more work than any other Assembly undertook, and more than any Assembly in the world could properly discharge. It undertook to legislate for three nations distinct in religion, manners, social condition, and state of civilization; besides which it busied itself with the concerns of an enormous Empire scattered all over the globe, and it also superintended the multifarious business of the Executive Government down to the most minute details. In fact, the British Parliament attempted to do the work of the Senate and of the House of Representatives of

the United States, and to legislate for the interests of the Empire besides. The block of legislation had been likened to the attempt to drive two or three omnibuses abreast of each other through Temple Bar; but in truth they now had three separate trains of omnibuses trying at the same time to get through one opening, and what they had to do was to make three openings for them. He had made an analysis of the work of legislation for the last six years. It appeared that the average of Bills passed each Session was 124; and of these, 33 related only to England and Wales, 19 to Ireland, and 10 to Scotland—the rest being General Acts. It needed no argument to show how much time would be saved if the details of these English, Scotch, and Irish Bills could be considered by separate Committees sitting at the same time. They must increase the number as well as the width of the roads. Legislation to work well in any country must not only be just in itself, but it must be made clear to the people affected by it that it was so. To make Irishmen see that the laws passed for their country are not imposed on them by an adverse majority of English and Scotch Members, Irish Bills ought to be submitted to an Irish Grand Committee. That would give Irishmen a direct control over the legislation adopted for their country, and would convince them that no Act would henceforth be passed for Ireland which did not receive the assent of a majority of their Representatives. He admitted that at present very few Acts were passed for Ireland which did not receive the assent of a majority of the Irish Members—indeed, he was not prepared to say that there were any. He was very far from believing—and had certainly never said—that English and Scotch Members tyrannized over Ireland; but what he did say was, that it ought to be made clear to the Irish people by indubitable proofs that they were not legislated for by a hostile majority of English and Scotch Members. He had often been told that there was no knowing what the Irish people wanted, and that their Representatives were constantly at variance. But English and Scotch Members were also greatly divided in their feelings and their views on many subjects: and the proper way to find out what was public opinion in Ireland was exactly

the same as in the case of England and Scotland—namely, by taking the opinion of the majority. Notwithstanding their differences, Irishmen managed their local boards, their town councils, and Poor Law matters as well, he believed, as Englishmen managed theirs. He should not be doing his duty to his constituents and his country if he did not on that occasion express all that he had in his mind. The condition of Ireland at the present time was a very critical one. The country was agitated by a movement in which he took no part, and which had, he considered, many elements of danger connected with it. But whatever might be their own individual views regarding it, it was impossible for them to shut their eyes to the fact that a strong national feeling existed in Ireland which could not be got rid of by being merely ignored; and he believed that a proposal for letting the Irish people know indubitably that the legislation adopted for their country was the work of Irishmen, would have an important bearing on that national feeling. He was thoroughly convinced that there was no hope of attaching Ireland to England, and no means of maintaining the Union other than by force, unless the nationality of Ireland was recognized, as the nationality of Scotland had been practically recognized. On that subject he would quote an extract from a writer of European reputation—Mr. Lecky—who said that in the history of no other country could they investigate more fully than in that of Ireland the evil consequences which must ensue from disregarding that sentiment of nationality, which, whether wise or foolish, desirable or the reverse, was at least one of the strongest and most enduring of human passions; and he conceived that it lay at the root of Irish discontent. That he (Mr. Pim) accepted as a fact. Even that hard-headed political economist, the late Mr. Nassau Senior, admitted the force of the sentiment of nationality; and in 1837 Lord Russell quoted and endorsed an expression of opinion by Mr. Fox 40 years before, to the effect that he would have the Irish Government regulated by Irish notions and Irish prejudices, and that he firmly believed that the more Ireland was under Irish Government, the more she would be bound to English interests. He (Mr. Pim) had no hesitation in saying that had nationality not

been recognized in Scotland she would have been a worse thorn in the side of England than ever Ireland had been. The only objection he had heard raised in Ireland against the present scheme was that it would hand over all Irish business to whichever of the two great parties had the majority of the Irish representation. He had little fear of this unanimity on either side; but in any case, the House would still possess the initiative and the final decision, and could always prevent injustice, if any such thing were attempted. It might also be right that Bills on questions of Imperial importance, such as the Irish Church Act, should be considered by the whole House, which in such cases could be done by a Motion to change the ordinary course of procedure. Some had cast discredit on his Amendment, by saying that this Grand Committee was a step towards Home Rule. He (Mr. Pim) proposed it with no such intention. It left the question of Home Rule entirely untouched; but the plan which he proposed, if adopted, might lessen the demand which existed in Ireland for local self-government. This plan was wholly within the limits of the Constitution. It would refer the subject to a Committee composed of those Members who had most interest in it, and who knew most about it; they must make their Report to the House, and the House would possess power to consider the subject afterwards. It was said that the agitation for Home Rule would disappear as the agitation for repeal had disappeared. That was not his opinion. The agitation for repeal was O'Connell's work. He was its author, its guide, and its supporter, and it fell with him. But the present agitation came from below, and the men who were at its head, although they might guide and control it, were not necessary to its support and continued existence. The adoption of the plan which he proposed would prove that Parliament was willing to attend to Irish affairs; it would increase the responsibility of Irish Members; it would facilitate the discharge of Public Business; it would procure a more careful consideration of the details of Irish Bills; and it would insure to Irish Members an effective control over the legislation specially affecting their country. The hon. Member concluded by moving his Amendment.

MR. SERJEANT SHERLOCK seconded the Amendment. Sooner or later the question of both Public and Private Business must seriously occupy attention. It was almost impossible that any private Member could carry a Bill, as was illustrated by the Paper that night, where the Marriage with a Deceased Wife's Sister Bill, which was passing through Committee, was menaced by an Amendment by which it was proposed to postpone the Committee for six months. Every part of the United Kingdom had a common interest in facilitating the progress of business, in preventing local discontent, and in showing that the delays incurred did not arise out of prejudice. He would suggest that this subject, so far as related to Ireland, should be referred to a separate Committee.

Amendment proposed,

To add, at the end of the Question, the words "and that the Committee shall also inquire as to the best mode of remedying the inconveniences now existing as respects the transaction of Irish Business."—(Mr. Pim.)

Question proposed, "That those words be there added."

MR. VANCE said, the fact was that it was impossible for the Business of the House to be properly conducted, with a due regard for all interests concerned by its legislation, if Members of the Government persisted in getting up one after the other and displaying so marvellous a legislative fecundity. By yielding to the propensity they had last year brought matters to a pass from which it was impossible to extricate themselves, and wherein private Members had no fair chance. With respect to the proposals before the House, he was not inclined to believe that their adoption would be followed by the desired result. The panacea which the hon. Members for Ayrshire (Sir David Wedderburn) and Dublin (Mr. Pim) proposed for remedying the grievances of their respective countries was an infinitesimal dose of "Home Rule." Now, he (Mr. Vance) had represented Dublin for some years, and he could assure the House that the persons who voted for him did not want Home Rule, and the persons who had voted for the supporters of the Resolution before the House would not be satisfied with that. The system they advocated was the appointment of "Grand Committees,"

who should superintend the legislation appropriate to each kingdom separately. He himself preferred the existing system, and had never heard of any difficulty in the passing of Irish Bills. He had been a Member of the House for 40 years, and he was sure they would not be able to improve the machinery of legislation which had been handed down to them by their forefathers. The principle of the legislation of the House was that each Bill should be considered by every Member; that all objections raised should be heard by the entire House; and that, no matter what might be done upstairs, the final decision should rest with the House of Commons. He had sat upon the Committee appointed last year to consider the mode of conducting the Business of the House. The suggestion for a "Grand Committee" was broached before them, but it fell still-born; so little was thought of it that it was not even mentioned throughout the whole of the Committee's deliberations, and yet it was now revived in the form of Home Rule. If the "Grand Committee" were to settle the details of Bills which came before it they would merely be performing the legislation of the House. He trusted that the House would not part with its old principle of legislation, and that the Government would give them the opportunity of adhering to it by henceforth refusing to entertain on their own part such an innumerable quantity of measures for introduction from the Treasury bench. One proposition that came before the Select Committee appointed last year was that no opposed Business should be taken after 12 or 1 o'clock. After discussing the matter, the Committee agreed to recommend half-past 12 as the hour from which the prohibition should date, and he very much regretted that the Government had entirely ignored that portion of the Committee's Report. He was confident that by its adoption the Business of the House would be better done, long speeches thereby being necessarily curtailed, and a succinct mode of introducing measures encouraged.

SIR EDWARD COLEBROOKE said, he trusted that the full and clear speech of his hon. Friend the Member for Ayrshire would meet with the attention it deserved; and that the inconveniences experienced in regard to Scotch legislation would not be smothered by a flood

of Irish grievances. He did not, of course, deny that there was much in the case of Ireland which corresponded with that of Scotland, and equally required the attention of the House; but he could not find in the statements of the hon. Members from Ireland who had addressed the House much that was not experienced by all Members of the House in common—namely, that they could not find time for carrying through their business. It did seem to him that Scotland stood at a great disadvantage as compared with the rest of the United Kingdom. His hon. Friend the Member for Ayrshire had summed up the four points on which he considered the Scotch grievances laid—namely, that they had no official representation in the Cabinet; that they had no efficient machinery; that they were liable to be out-voted; and that Parliament could not give sufficient time for the discussion of Scotch business. In regard to the first point, he had never concealed his opinion on the subject. He thought it would be a calamity to Scotland to follow the advice of some hon. Members to create a Scotch sinecure in the shape of a Secretary of State for Scotland. If there had existed such a sinecure, it would not have altered legislation during the last few years in the least perceptible degree, or placed them at any advance compared with the position in which they stood at the present moment. On the contrary, there would probably have been an attempt at some little fussy legislation upon a subject, perhaps, which would be best left until reached by some large legislation. But great as was the interest the Scotch took in merely local affairs, the whole nation took the strongest interest in Imperial matters, and were always ready to support the Imperial Government in Imperial measures; but as regarded mere official representation, he thought that all the desires of Scotland might be met by the machinery already at work, but by giving a proper representation of Scotch interests in the Cabinet. He, for one, did not think that the special legislation of Scotland had been unduly neglected in that House. During the 25 years that he had had the honour of a seat in the House, he thought they could take credit for large and important measures, specially affecting the interests of Scotland, which had been fairly considered in spite of the disadvantages complained of.

Nay, more—he had had compliments paid personally to himself as one of the body of the Scotch Members for the admirable way in which they had conducted the business of Scotland. He thought he might venture to say that such compliments had been deserved; and he thought it probable that it was owing to their being few in number and well known to each other that that result had been obtained; because their discussions in the Lobby and out-of-doors had materially facilitated the transaction of business. But with regard to the last point, he cordially agreed with preceding speakers, that this was a matter not merely affecting the Imperial Parliament, but affecting the interests of Scotland, which strongly demanded the attention of the House. His hon. Friend the Member for Ayrshire had very carefully refrained from saying anything personal, or making any reproaches against the Lord Advocate for the part which he had taken in the conduct of Scotch business. No one could complain that his right hon. and learned Friend had been wanting in his attempts at legislation, for during his first year of office he flooded the House with Bills, many of which were of considerable value and interest, and it only required a little resolution among themselves, and a little pressure to be made upon Her Majesty's Government, to enable them to bring some of those measures to a successful issue. He said this the more strongly because he thought his hon. Friend the Member for Ayrshire was rather unhappy in his selection of subjects on which he reproached the Lord Advocate for not having succeeded in legislating upon. Among others he mentioned the game laws, road reform, education, and the law of hypothec. Now, the House had had some little experience of the game laws, and it was not very encouraging either to the Government or to private Members to attempt to bring such questions to a solution. The question had come to so complete a dead-lock that it had had to be referred to a Committee upstairs; but that was no fault of the Government, who had attempted to legislate upon it, and as he (Sir Edward Colebrooke) thought had proposed a very fair settlement of the question. And so with regard to road reform, which underwent considerable investigation upstairs. The difficulties experienced on that subject

in various parts of Scotland had contributed largely and very naturally to discourage the Government from taking up the question. No doubt the question of education was a very serious and important one; but it was a question on which no reflection could be made upon the Government for not giving the House a favourable opportunity to bring it to a full discussion and settlement. No doubt the Bill introduced by the Government two years since was incomplete and unsatisfactory, inasmuch as it contained no conscience clause, and it gave an immense power to a dominant majority. He did not, however, regret the delay. The question had really been forwarded for settlement by the delay; for they had now an immense flood of light upon subjects which were before unknown or uncertain from the experience of the working of the English Education Act. Last year the question of Scotch Education had to give way to the Ballot, and he regretted most strongly that Her Majesty's Government should have postponed such a question in order to bring forward one, however great its interest might be, which was not one in which there was any prospect of a settlement. At the same time, the Scotch Members could not complain, because he (Sir Edward Colebrooke) stood almost alone on this side of the House in opposing it. But he wished to address to the House a few words on a subject which had been suggested by the Resolution of his hon. Friend the Member for Ayrshire. His hon. Friend had lightly touched upon it, but it had been dealt with at large by the hon. Gentleman who followed him (Sir Robert Anstruther). He (Sir Edward Colebrooke) thought it a matter which fairly deserved the consideration of the House—namely, whether questions which affected Scotch or Irish matters, but which did not command an Imperial interest, could not fairly be relegated to the consideration of a Grand Committee, and well sifted there. It would be, in fact, an extension of the principle which was now applied to a certain class of Bills; but it would be done on a larger scale, and a larger number of Members would be required to form the Committee. There might be, he admitted, difficulties in the way, and it might happen that a single Member might canvass friends in a particular way, and thus give a false colour to the decision

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of the Committee; but they could not stand in so good a position as the Government, which always had a great number of faithful supporters, whom they could bring in to overpower a decision. He thought it would have this advantage—that they would have a fair opinion given on questions which affected Scotland or Ireland by Members who really took an interest in the question. He was rather surprised to hear the hon. Gentleman opposite (Mr. Vance) say he supposed it did not deserve consideration, because it was passed over without a thought by the Committee on the Business of the House. He (Sir Edward Colebrooke), on the contrary, thought that a very good reason for the appointment of another Committee to consider the subject; and if he were to offer a suggestion to his hon. Friend, it would be to put his Motion in a general form, and leave out the word "Scotch," and then he (Sir Edward Colebrooke) would support the Motion cordially. It was clear that the Government thought the proposal one of some importance; for, if he remembered rightly, the Home Secretary proposed something like a Grand Committee for the Mines Regulation Bill, and thought that it would be a proper mode of dealing with it. He thought the House would agree with him that the Motion which had been brought forward by the hon. Member for Ayrshire was one well deserving the attention of the House.

MR. GLADSTONE said, he did not wish to check the discussion, but he thought it had reached a stage at which it might be desirable for something to be said on the part of the Government. In the first place, he joined with those who complimented the hon. Baronet the Member for Ayrshire (Sir David Wedderburn) upon the manner in which he had introduced the subject to the notice of the House; and in the second, he did not question the motives of the hon. Member for Dublin (Mr. Pim), who had opened a subject of very great importance with respect to Ireland but not unimportant with respect to Scotland or even England. He would, however, venture to observe that the discussion he had raised did not assort very well with the Motion of his hon. Friend the Member for Ayrshire. His hon. Friend asked for the appointment of a Committee to consider the subject, and had sought

only to make out a case for inquiry; while the hon. Member for Dublin seemed rather to assume there was no ground for the appointment of a Committee, for he had a plan of his own completely ready, and nearly the whole of his speech was employed in unfolding the details of that plan, and defending it by argument. Without entering into minute details, he would say it appeared to him (Mr. Gladstone) that the difficulties in this case were very real ones—and he regarded the Motion of the hon. Member for Ayrshire and the speech of the hon. Member for Dublin, not so much as suggestions of a remedy as confessions that the House of Commons was in a serious dilemma with regard to the transaction of its business, and that the gravity of that dilemma was felt with a pressure which appeared to increase from year to year. In one respect he approached this subject under a disadvantage, as compared with other hon. Members. Some hon. Gentlemen solved the difficulty in a perfectly easy way, by casting the whole blame on Her Majesty's Government. For instance, the hon. Member for Armagh (Mr. Vance) applied his powerful mind to the discussion of the subject, and found this was the real solution—according to him, it was owing to the number of measures introduced last year by the Government that independent Members were prevented from carrying forward their Bills. In other words, the injudicious use made by the Government of the two days in the week appertaining to them had the extraordinary effect of rendering it absolutely impossible for the independent Members to make any use whatever of the three days at their disposal. He thought they must endeavour to find a solution of a more practical kind. For his own part he believed the roots of the evil lay much deeper. It had grown, it was growing, and he feared it would continue to grow. His hon. Friend (Sir Edward Colebrooke) had expressed his surprise that more attention had not been given by the Committee of last year to the suggestion with respect to the formation of a Grand Committee. Without attempting to explain that matter more thoroughly, he would venture to say that even the time which had elapsed since the commencement of last Session had very materially added to the difficulties under which the House laboured.

The mind of the House was, he feared, not yet ripe for any vigorous and comprehensive effort for the solution of those difficulties. In this country it commonly happened that people groaned a good deal over the inconveniences which oppressed them before they could see their way to any mode of escape. It might be that they might find a remedy for the great evil they laboured under. But he wished to remind Scotch and Irish Members of that part of the United Kingdom which had hardly been mentioned in the debate to-night—namely, that portion called England, whose inhabitants numbered about three-fourths of the entire population of the United Kingdom. Now, he had not a word to say against the bringing forward the grievances of Scotland—but the grievances of Scotland were not more real to Scotch Members than the grievances of England were real to English Members. Admitting that the grievances of Scotland were real, and that Scotch business had been in arrear, he should have been glad to admit the justice of the censure pronounced by the Member for Lanarkshire.

Sir Edward Colebrooke' in regard to the Scotch Education Bill, if that hon. Member had pointed out how it could have been brought forward at the time he mentioned without a sacrifice of business still more essential. He would say a word with regard to a misconception that existed with regard to the business of last year. It was supposed that last year the portion of the time of the House which was under the control of the Government was occupied to a great extent with the discussion of measures which proved to be abortive; but in reality this was not the case. The measures which the Government failed to pass last year—particularly the Licensing Bill, the measure on Local Taxation, and the Poor's Bill—had not been allowed nearly two evenings altogether; so that it was a mistake to suppose that there was no opportunity given to the House to discuss such subjects. The question now was whether it was possible to pass all the bills mentioned. His hon. Friend Mr. Member for Ayrshire, Sir James Waddell, had suggested to him that it would be better to introduce in a general Scotch Bill what was the Scotch and Scottish Secretary of State said it would make much more sufficiently agreeable in the Cabinet.

and so secure the desired end. But this would not add a single day or hour to the divisible fund of time which the Members of the Government might squabble for among themselves, but which by such squabbling was not in the slightest degree increased. It was the shortness of time that was the real difficulty. In answer to those hon. Members who have said so much on behalf of Scotland and Ireland, let him say a word in behalf of England. With regard to the position of England, there were six important English subjects which had been long awaiting legislation—namely, the questions of Licensing, of Local Taxation, of the Municipal Reform of the City of London, of Courts of Judicature, of the Succession of Land, and of the mode of dealing with the Chancery Funds. Those great subjects stood in front and at the head of the arrears of legislation. This was, in truth, but a very small portion of a very large subject, and he must say he should regard with considerable jealousy suggestions which tended to a division of the interests of the three kingdoms. He was not at all shocked at the proposal of an alteration in the mere machinery of the House; but, although this pressure was in some degree of a temporary nature, it might prove to be, to a considerable extent permanent in its character, and might require very considerable measures for its relief. But he hoped that those measures would not, under any circumstances, tend in the remotest degree towards a separation of interest as between the three countries. He said this only with reference to that portion of the speech of the hon. Member for Dublin, Mr. Parnell, in which he proposed that the handling of Irish matters of more detail should be confined to Irish Members exclusively. He was quite sure his hon. Friend did not intend to limit the time that he would not give to Scotland or to England; but he Mr. Gladstone, he said that he should like to see the handling left under any circumstances to the representatives of the people exclusively the manipulation of the business of the House for the welfare of the interests of that country. He thought that one effect of such a proposal might present itself to the consideration of every hon. Member, and it was this—that proposing one of the three kingdoms should by the creation of

a separate machinery, obtain special facilities for the despatch of particular business, yet the country would somewhat suffer in point of dignity and credit by detaching itself from the general action of Parliament. He held that what was done ought to be done for all three countries in common. He did not mean to say that there should be no distinction. There was a distinction now. When a Scotch Bill was referred to a Committee, the composition of the Committee was marked by a Scotch complexion and proportion. But anything like an attempt to transact Scotch business exclusively by Scotch Members, or Irish business exclusively by Irish Members, would, he was certain—quite independently of political objections to such an arrangement—have the effect of lowering, in comparison with the rest of the Empire, the country on behalf of which a measure of that kind had been devised. Probably the hon. Movers of the Resolution and of the Amendment had made their proposals with a view rather to discussion than to any attempt to elicit the sense of the House by a vote. If he (Mr. Gladstone) was right in the general proposition, that this sense of burden, and difficulty, and embarrassment was common to that business of the three countries, then it followed that the business could not be satisfactorily dealt with exclusively by Members for only one or two of those countries; and thus this question became part of the important subject of the mode in which the Business of this House was to be disposed of. When this question was referred to a Committee last year, the inquiry was obviously limited, and it was perhaps on that account that that Committee did not think it necessary to deal so broadly as some desired with some of the questions which were brought before it. Now, in entering upon a discussion in the House on a matter connected with the conduct of its Business, all knew the great danger there was of running into details, and how much time it might possibly be the means of absorbing in comparison with the results to be attained. His own belief was, that if anything considerable was to be attempted in that way, and, especially, if there was to be any careful and thorough investigation of the plans an outline of which was laid before the Committee of last year by Sir Erskine

May, that must be done in the first instance by means of a Committee of the House. He confessed it was a matter of very great regret to him that the proposal made by the Government at the commencement of last Session, of appointing a Committee, did not at the moment appear to obtain general favour in the House. His hon. Friend who had proposed the Motion would, he hoped, be disposed to agree that this was a subject which, if it was to be dealt with in a fitting manner, must be considered by a Committee duly authorized to deal with it, to give weight to any change that might be recommended; and he sincerely and conscientiously thanked him, not merely for the mode in which he had dealt with the subject, but for having raised the question, and assisted in bringing home to the mind of Parliament, and to the minds of many persons out of Parliament, a deep sense of the difficulties involved in the question. He hoped his hon. Friend would not now think it necessary to seek a formal expression of opinion in the shape of a vote; but, undoubtedly, the time might come when the House would be so generally impressed with the gravity of the work which it undertook—a work far beyond that which any other legislative Assembly attempted to cope with—that it would seriously apply itself to the making of such alterations and improvements in the rules and methods of proceeding, and to the securing such increased elasticity in the machinery, that it would be able to discharge its duties to the country more fully; and likewise to diminish somewhat the immense and really excessive burden which was imposed on the physical and mental energies of those Members who really devoted themselves to the discharge of their duties. He trusted, therefore, that his hon. Friend would consent to withdraw his Motion.

Mr. McLAREN said, the people of Scotland were likely to be much dissatisfied if they found that a debate relating to the management of Scotch Business was to terminate with the speeches of three Scotch Members and three Irish Members, one of whom had taken up more time than all the three Scotch Members together. All over Scotland complaints were made as to the injustice done to Scotch legislation. As to the Motion brought forward by the

hon. Member for Ayrshire, he thought they had cause to complain that while the Motion was simply one for inquiry by the appointment of a Committee into the management of Scotch Business, and while the Amendment of the hon. Member for Dublin (Mr. Pim) was merely to the effect that the inquiry should extend to Ireland, the hon. Member had not contented himself with moving the Amendment, and suggested that the question of the management of Irish Business should be referred to the Committee; but, on the contrary, had gone into a long discussion in regard to one of his own pet projects. No doubt everyone had his hobby, and a Grand Committee might be one of the grandest things in creation; but he could not see the use of applying a Committee to inquire into the general question of Public Business if the House itself were to discuss the subject before the Committee had come to any decision. Now, as to the question actually before the House. He cordially concurred with his hon. Friend the Member for Fifeshire (Sir Robert Atkinson) that the real remedy lay in the appointment of some additional officer of the Treasury to whom, in Scotland, it would be easier to get at, so that the whole question of Scotch Business was

land, a clause were added that they should apply to Scotland or to Ireland, as the case might be, and interpretation words were inserted—for example, that the Courts of Westminster should mean the Court of Session in Scotland, and that the County Court Judge should mean the sheriff, and so on going through all the interpretations—then with these explanations the Acts might be applied to Scotland. He did not see why an Act should not be passed applying equivalent terms, so that when the Court of Queen's Bench was required or permitted to do a thing it should be held to mean the Court of Session in Scotland, and the corresponding Court in Ireland. He thought that if a well-digested schedule of equivalent terms was once passed into a law, it would save a great deal of trouble in the framing of Acts of Parliament. The thing had been successfully tried in the case of the Corrupt Practices Act. There were other cases to which the system might be most beneficially applied. For instance, the law against gambling in Scotland was very stringent, but the mode of enforcing it was obsolete, cumbersome, and impracticable; and the consequence was that in the city he had the honour to represent there was the greatest concentration owing to the gaming transactions successfully suppressed in London having been transferred to Edinburgh. A few words added to the English Act extending its operation to Scotland would have done away with the mischief in the matter. Then again, it had been mentioned this morning that the Secretary for the Colonies had introduced a Dangerous Diseases Act. That was a very good and useful regulation, but it did not apply to Scotland, and it would be possible to have a disease which originated in England and spread to Scotland. The Scotch Members of Parliament had suggested that the Scotch Legislature should be given power to make laws in respect of such diseases, and the Scotch Ministers had agreed to the suggestion. The right hon. Gentleman the Member for Northampton had moved that the Scotch Ministers should be given the power to make laws in respect of such diseases, and the Scotch Ministers had agreed to the suggestion.

1885

Fires Bill—

[MARCH 13, 1872]

Second Reading.

1886

upon the subject of the second reading of the Bill; yet if the Amendment had been carried, it would have extinguished the Bill altogether. As a practical conclusion, he said that no Bill ought ever to pass this House which did not apply to the United Kingdom. He detested to see the word "Scotland" mentioned in an Act of Parliament. He could wish never to see it again. When Scotland was united to England, it was intended that while it had its own laws, it should form part and parcel of the United Kingdom, and that all the legislation that was agreed upon should be held to apply to Scotland: and he believed that for many years there was no distinction made about England and Scotland. But he was sorry to say that the distinction was growing year by year, and any man looking over recent Acts of Parliament would find more and more instances every year of the addition of the words, "This Act shall not apply to Scotland." He would therefore suggest that in the preparation of Bills there should always be a specification directing the application of the appropriate portions of each to Scotland, or Ireland, as the case might require. He thought that if the Lord Advocate were to devote his mind to such suggestions as he had endeavoured to make, he would confer a great benefit upon this country, and very much save the time of this House in all matters of legislation appertaining to Scotland and England.

VISOUNT ST. LAWRENCE thought the Scotch Members had reason to be satisfied with the very little interference on the part of English and Irish Members with Bills relating exclusively to Scotland. He regretted the determined tone in which the Prime Minister had spoken against the suggestion that Ireland should manage her local affairs separately from the rest of the United Kingdom. The speech of the Prime Minister held out no hope to the people of Ireland of their having the management of their own affairs in the slightest degree separately from those of the United Kingdom. He felt certain that the determined spirit in which the Prime Minister had spoken on that subject would cause great regret in Ireland.

MR. MACFIE rose, and was proceeding to address the House—when

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after eight o'clock.

HOUSE OF COMMONS,

Wednesday, 13th March, 1872.

MINUTES.]—SELECT COMMITTEE—*First Report*
—Public Accounts [No. 104].
PUBLIC BILLS—Ordered—*First Reading*—County Courts (Small Debts) * [85]; Corrupt Practices at Municipal Elections * [86].
Second Reading—Fires [7]; Albert and European Life Assurance Companies (Inquiry) * [8]; Public Worship Facilities [14]. Justices' Clerks Salaries [39], debate adjourned.

FIRE BILL—[BILL 7.]

(*Mr. M'Logan, Mr. Charles Turner,*

Mr. Agar-Ellis.)

SECOND READING.

Order for Second Reading read.

MR. M'LAGAN, in moving that the Bill be now read the second time, said, that it embodied the main recommendations of the Committee on Fire Protection which sat in 1867. That Committee was appointed to inquire into the existing legislative provisions for the protection of life and property against fires in the United Kingdom, and as to the best means for ascertaining the causes and preventing the frequency of fires. The Committee made five distinct recommendations:—First, it having been proved in evidence that fires frequently arose from the faulty construction of buildings, they recommended a general Building Act for all towns and places in the United Kingdom, similar in its general provisions to the Metropolitan Building Act and to the Building Acts of Liverpool. Secondly, it having been brought out in evidence that without any inquiry clauses were frequently inserted in Bills for the supply of water by companies or local authorities, providing that the water need not be constantly laid on, thereby frustrating the evident intention of the provision of the Waterworks Clauses Act 1847, which contemplated a constant supply of water at high pressure, unless in exceptional cases—the Committee, therefore, recommended that every unopposed Water

Bill should, immediately after the second reading, be referred to the Referees to inquire and report whether sufficient reasons existed for the insertion of such provisions. Thirdly, the Committee also recommended that where, in any investigation into the origin of a fire, it had been proved to have been caused by the culpable carelessness of some person or persons, they should be deemed guilty of a punishable offence. Fourthly, it having been brought out in evidence that the Petroleum Act of 1862 was quite inoperative, the Committee recommended that it should be amended in various particulars, which was done by the passing of the Act of 1868. And fifthly, they recommended that there should be a judicial inquiry into the origin of all fires. As regarded the first recommendation, few were aware of the great carelessness shown by builders in the erection and alteration of buildings. In new houses, timber was often placed in close proximity to fire-places, flues, and stoves; and in altering old houses, sunlights were placed, stoves erected, and timber laid without any reference to the original construction of the building. It was not possible to prevent fires; but it was quite practicable to insist upon buildings being constructed in such a manner as that, if a fire occurred in them, the risk of losing the lives of those persons in them would be reduced to a minimum. For instance, fires occurred very frequently in small shops, in the floors above which several families resided. Now, it should be made compulsory that in all cases where buildings were composed of shops below and dwelling-houses above, the floor immediately above the shop should be made fire-proof. Again, in many large retail and wholesale establishments the business-rooms were on the lower, and the assistants were lodged in the upper floors. In all such cases the Committee recommended that the floors should be made fire-proof, and that there should be a ready means of escape by the roof in case of fire, and in addition it should be made compulsory on the proprietors of such establishments to have always ready some kind of fire-escape. But if there was reason to complain of the inadequacy of these means in dwelling-houses, there was greater reason to find fault with their almost total absence in public buildings, such as churches, lecture and concert-

halls, theatres, &c. It was dreadful to contemplate the effects of a fire in such buildings when crowded with people. The means of egress in all their public buildings were so few that it would be quite impossible for the inmates of the building to make their escape in sufficient time; and probably in addition to the destruction of life from burning, there would be great loss of life from suffocation in the crush which would take place at the few doors. All stairs and corridors should be constructed of stone, with iron or fire-proof supports; yet in some of the best attended theatres in London the partitions of the passages were constructed of the most inflammable material, which would contribute to the rapid spread of fire. He knew of one or two of the most popular theatres in London where the passages to stalls were so narrow that the people could only pass along in single file, and where the passages were flanked by wooden partitions which would cut off all means of escape in case of their taking fire. The next recommendation of the Committee was no novelty in legislation. By an un-repealed Act of Queen Anne a servant who was proved from negligence or carelessness to have caused a fire was condemned to pay £100, or in default to suffer imprisonment with hard labour for 18 months. Proved carelessness in anyone driving a carriage of any kind from which injury to an individual resulted, carelessness in one workman causing injury to another, carelessness in a signalman, in a pointsman, in an engine-driver, and similar other cases of carelessness, had all been deemed punishable offences. Carelessness in the use of lucifer matches had of late become a frequent cause of fires. In London within the last five years there had been an increase of fires from this cause alone from 36 to 90, or taking the proportion to the number of fires whose origin was discovered in 1866 to 1870, from 4½ per cent to 6 per cent. Nor was London singular in the destruction to property from fires caused from lucifers. In a letter which the hon. Member for South Norfolk (Mr. Read) wrote to the Committee, he stated that in three years the number of fires in agricultural property from the careless use of lucifer matches in the Norwich Union Office alone was 133, and had cost that office £13,000. The amount of agricultural property in-

Mr. McLagan

sured by the insurance companies of England amounted to £70,000,000, and as it was reasonable to suppose that there was the same proportion of losses in the other companies, the annual loss to agricultural property in England from fires caused by lucifer matches would amount to £300,000. The witness of the Sun Fire Insurance Company stated that they lost every year from fires from this cause £10,000. One of the principal reasons for such a general use of lucifer matches was the now prevalent habit of smoking. Smokers were, as a class, selfish and indifferent to the consequences of their habit. Frequently fires had occurred, and much valuable property destroyed, from the careless throwing away of the end of the cigar or fuses and matches. In Liverpool, some years ago, most disastrous fires occurred in the warehouses. So serious did these become that the Watch and Fire Prevention Committee of the Town Council told off two policemen for the special purpose of going into the warehouses to see if the men had pipes and lucifer matches about them. In two years 573 pipes were taken from the men, and a decrease in the number of fires was said to follow this step taken by the committee. It was proposed in the Committee of 1867 to recommend a tax on matches; but the majority of the Committee did not agree to it, thinking that no Chancellor of the Exchequer would be found bold enough to carry it out, and that it would act as a restriction on trade. The present Chancellor of the Exchequer had been bold enough to propose the tax, but without success. It might be urged that such a tax would throw many poor women out of employment; but the number deprived of employment by fires was surely much greater. He was lately informed by an hon. Member that a manufactory having been destroyed through a workman treading on a match, £10,000 worth of property was destroyed and hundreds of people thrown out of employment. He believed that before long it would be necessary to legislate on the dangerous and careless use of lucifer matches. As to the last recommendation made by the Committee, almost all the witnesses concurred in the opinion that an inquiry made into all fires would have the effect not only of discovering the causes of many fires at present unknown, but of reducing the gross number of fires. As

regarded the increase in the number of fires, it was reported to the Committee that while in 1840 there were 680 fires in London, the number had increased in 1866 to 1,338, and in 1870 to 1,946. While the population had increased in the same period 54 per cent, and the houses 46 per cent, the number of fires had increased 104 per cent. The Committee received similar reports from all parts of the country. In Manchester, in the five years 1846-50, there were 118 fires, and in 1866-70, 276, showing an increase of 130 per cent. In 1832, according to a gentleman connected with the Liverpool and London Company, the proportion of fires in London from unknown causes was 34½ per cent; while in 1866 it had risen to 52½ per cent. Moreover, Captain Shaw, the Superintendent of the London Fire Brigade, handed in a table showing that in 1833 the percentage of fires from unknown causes was only 12; while in 1866 it was 43½. When they found that a great proportion of the fires whose causes were unknown occurred on insured property, they could not help suspecting that there was something wrong in that respect. In London, in the year 1866, there were 589 fires whose causes were unknown, and of those 480 were on insured property. In Edinburgh, in 1869, there were 81 fires, 71 of which were on insured property. In Leeds, in 1870, there were 70 fires, and 60 of them were on insured property. In Manchester, during the last five years, there were 376 fires, of which 179 were on insured property. These facts afforded ground for supposing that there was misconduct on the part of those whose buildings were set on fire. The Committee endeavoured to trace the origin of these fires, and they divided cases of wilful fire-raising into four distinct classes. The first class consisted of those persons who made a living by setting fire to their houses in order that they might obtain insurance money from insurance companies. The second consisted of those who were on the verge of bankruptcy, and who set fire to their houses with the view of defrauding insurance companies and their creditors. The third consisted of thieves, who set fire to premises in order to conceal the thefts of which they had been guilty; and the fourth consisted of those who set fire to buildings maliciously. As regarded the first source

of wilful fire-raising, the Committee had abundant evidence. Mr. Fletcher stated that one man was found guilty of setting fire to 60 different houses, and that when he was imprisoned for his crimes, fires ceased in the district where he had committed them. The Superintendent of the Salvage Corps stated that he knew a man who lived entirely by setting fire to houses. That man's mode of procedure was as follows—he induced an insurance company to insure his furniture; as soon as they did so he removed his furniture to another empty house, and then set fire to the house which he had left, and obtained insurance money for his furniture, which they supposed had been destroyed by the fire. That man had obtained insurance money on the same furniture five or six times in one year, by acting upon the before-mentioned fraudulent system. A witness, who had had very large experience as assessor of losses by fire for one of the insurance companies, said he believed that 50 per cent of the fires that broke out were incendiary fires, and that a great part of those fires were caused by small shopkeepers who were on the verge of bankruptcy. Very often it was found that "dummy" goods instead of real goods were in those shops, and that very frequently he found suspicious circumstances about the buildings after such fires—such as the floor steeped in naptha, paper in places where it should not to be; and sometimes the premises had been found on fire in two or three places at once. Very often fires were caused by negligence, and if a fire arose from negligence on the premises of a person on the verge of bankruptcy he took no pains to extinguish the fire. When fires occurred in the shops of people who were not doing well, and had no longer a ready market for bad goods generally, all those goods were burnt, but the insurance policy was always preserved. There was no more ready market than a fire for unsaleable goods. A third source of wilful fire-raising was theft from warehouses. The Chairman of the Liverpool Fire and Watch Committee stated that during the American War, when the price of cotton was very high, a great deal of cotton was stolen from the warehouses in Liverpool, and there were a great many fires in them, and the only origin to which those fires could be traced was the hope that they would

conceal the thefts which had been committed. As to fires originating from malice, we knew that some years ago fires originating in malice occurred in different parts of the country, and every now and then fires were caused by workmen setting fire to their masters' premises out of spite; and not unfrequently they were done by workmen in unfinished houses. It was found that those who practiced incendiarism carried on their system most methodically. Last year a man was convicted of setting fire to eight or nine houses; and, so methodically did he go about his work, that he kept a diary of his negotiations with various insurance offices to procure the insurance of his goods at the different houses at which he had resided. If that diary were published, it would be a most interesting publication. As the origin of a very large proportion of the fires was unknown, doubtful, or suspicious, it was but a natural suggestion that there should be an inquiry of some kind or another, on the occurrence of a fire, to endeavour to discover its origin or cause, and dispel all doubts or suspicions. There was in the Committee a great concurrence of evidence in favour of a judicial or public inquiry. The opinion of these witnesses had been corroborated by the results wherever investigations had taken place. Mr. Humphreys, the Coroner for Middlesex, stated that the taking of inquests on fires was revived a few years back in the City of London, and immediately the fires fell one-fourth in proportion. In a village in Cambridgeshire there were 11 fires in as many months, and no sooner was the insurance money paid in one case than another happened; but as soon as the coroner began to hold inquests, the fires altogether ceased. In the South Wales district, some years ago, the Mayor and his brother town councillors were so impressed with danger to life, as well as the destruction of property from fires, that they established a court of inquiry on their own responsibility, without having any law to justify their conduct. The effect was to reduce the fires in the Swansea district most materially, so that two or three years elapsed without their having 10 cases. About the year 1830, the Sheriff of the county of Lanark wrote a letter to the insurance agents in Glasgow to the effect that, in consequence of the frequency of fires, every case, without ex-

ception, should be investigated before him, or some competent authority, through the medium of the Procurator Fiscal. The immediate consequence was to put a stop to the frequency of the fires. In Baltimore, in the year 1858, there were 130 incendiary fires. A fire-marshal was appointed, whose duty it was to investigate into all fires, and prosecute where necessary; and in the next years the fires fell to 77, 38, 28, 21, and in 1863 to 10. It was therefore clear that the fear of an investigation prevented the dishonest man from setting fire to his house. Then, to whom was to be entrusted the originating and conducting of this inquiry, and at whose expense were the proceedings to be carried on? It might aid in arriving at a conclusion if they knew how these inquiries were conducted in other countries. The Committee ascertained that inquiries took place into fires in Hamburg, Copenhagen, Gothenburg, St. Petersburg, Berlin, Paris, and Havre, and that the police originated the inquiry, and conducted the subsequent proceedings in all those places but Paris. In Paris, the insurance companies were obliged to take the initiatory steps; but the further inquiry was conducted by the *Juge de Paix*. It was further ascertained that the inquiry was compulsory in all fires, and not only in doubtful or suspicious cases. It had been thought by some that the insurance companies, being deeply interested in the reduction of the number of fires, the responsibility of originating and conducting these inquiries should be entrusted to them. He (Mr. M'Lagan), however, thought that this would be objectionable and unfair, because insurance companies, being merely commercial bodies, should not be called on to act as public prosecutors in cases of crime. Besides, they were interested only in one-third of the insurable property of the country; and by throwing upon them the expense of the prosecutions, they would be under the necessity of raising their rates, and by this plan they would be simply taxing those who insured—the prudent part of the community—to the relief of those who did not insure—the improvident section. Insurance business was like any other business—if it did not pay on account of a large number of fires, the rates must be raised to keep it safe. There was a remarkable instance of this some years

ago in Liverpool. The fires in the cotton warehouses there were so disastrous that the insurance companies were obliged to raise their rates from about 12*s.* to 35*s.* A Building Act, a Fire Protection Act, and other local Acts were obtained by the Corporation, by the operation of which the number of fires was greatly reduced; and the effect was that the premiums of insurance were reduced to their former rate. [An hon. MEMBER: It is now 6*s.*] It was thus seen that the public—at least, the insuring or prudent part of the public—had a direct pecuniary interest in the reduction in the number of fires. It was well said by one of the witnesses that—

“These inquiries should take place at the expense of the municipality or country, who have the interest in preventing wilful fires which all well-regulated communities have in preventing fraud and crime.”

Following the example of all those countries in which inquiries into fires are conducted, the Bill proposed that, on the occurrence of a fire, the first step towards an inquiry should be taken by the police, the chief officer of which force should report in writing to the coroner for the place in which the fire had taken place the fact and circumstances of such fire, and in particular whether there was ground to suppose such fire to have been caused or aggravated by the wilful or unlawful act or default of any person, whether known or unknown. The Bill then proposed that the inquiry should be taken up and conducted by the coroner only in those cases in which a chief officer of police had reported to him that there was ground to believe such fire to have been unlawfully caused, or where he was directed by the Secretary of State to conduct an inquiry, or where an application was made to him by a person interested in the fire under restrictions and provisions. The Committee recommended the coroner's court as the most suitable before which these inquiries should be conducted. The great majority of the witnesses were in favour of the coroner's court as the most suitable for the purpose; but he thought it right to mention that Sir Thomas Henry, a gentleman of great experience in these matters, while expressing doubts as to any advantage to be derived from such inquiries, was of opinion that the insurance companies should be the parties to

prosecute if anything were found suspicious about a fire. On the other hand, Mr. Humphreys pointed out that it was the ancient right of coroners to take cognizances of felonies, and that as fire-raising was a felony, the coroner was the ancient and proper officer to undertake the inquiry. There was, however, a decision of the Court of Queen's Bench in opposition to which no coroner would like to undertake the task. The Committee were unwilling to recommend any new court of inquiry, and finding that the inquiry into fires had been made previously by coroners, and as there was no restriction by statute, he (Mr. M'Lagan) had thought it better, notwithstanding the decision of the Queen's Bench, to recommend the coroner's court as the most suitable for inquiries into fires. The Bill, therefore, if passed into law, would, in a great measure, be only a declaratory Act. In conducting an inquiry into fires, it was necessary that this should be done on the spot. Now, there was no other existing court than the coroner's that could be moved from place to place as circumstances required, and he was thus enabled to constitute his court, and hold the inquiry in the immediate vicinity of the fire. He could, besides, examine witnesses on oath, take a jury's verdict, and bind over the parties to prosecute. It might be asked why these inquiries should not be made in a police court. The difference between an inquiry before a police magistrate and before a coroner was, that before the magistrate could do anything he must have a suspected person apprehended before him, while the coroner simply made an inquiry. If it resulted in nothing, nobody was taken into custody; but if it did result in anything, the person was taken into custody, and handed over to the police magistrate. The Bill provided that an application for inquiry must be accompanied with an affidavit, sworn before a justice of the peace, that the applicant had ground to believe such fire to have been unlawfully caused. The application must also be accompanied by a deposit as a security for costs which might be awarded against such person; and by Clause 9 it was provided that if it should appear that the person at the time of making his application had not reasonable ground to believe the fire had been unlawfully caused, the coroner

should direct all the expenses of the inquiry to be paid by such person to the extent of his deposit. The object of that was to prevent any person making such an application out of spite or malice. The coroner having made the inquiry, was required to send a report to the Secretary of State; and in the month of January in each year, or at such other time as a Secretary of State might from time to time appoint, the coroner was required to make a report of all fires which had been reported by the police, and particularly of all fires respecting which he had held inquiries. If at any time it might be deemed advisable for the public interest to assist the coroner in any special cases, power was given by the Bill to the Secretary of State to do so by appointing an assessor to him. The local authorities of some large cities might consider it desirable to appoint a special officer to act instead of the coroner to inquire into fires, who by this Bill would be invested with the full powers of the coroner. It was brought out in evidence that, owing to the great competition among insurance companies, they were too ready to pay claims without due inquiry, even though there were, in many cases, strong grounds to suspect that the fires were unlawfully caused, and thus encouragement was given to incendiary fires. The Bill, therefore, provided that it should not be lawful for any insurance company to pay or make good any claim for damage consequent on any fire until after the report of the coroner, and a penalty not exceeding £10 might be summarily inflicted for the infringement of this provision. These were the principal provisions of the Bill. As regarded Ireland, he simply extended some of the provisions to that country. The Bill of last year applied to Scotland, but this year he had not thought proper to introduce Scotland, because inquiries were conducted there by the Procurator Fiscal where a fire occurred. No doubt in many cases they were conducted very properly; but he should like to see a clause introduced into the Bill requiring investigations in Scotland to be conducted in public. The hon. Gentleman concluded by moving the second reading of the Bill.

MR. AGAR-ELLIS, in seconding the Motion, expressed his full concurrence in the exhaustive remarks of his hon. Friend, and the hope that the House

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would pass this Bill, which would be of great public advantage to Ireland as well as to England. He believed that people would act more cautiously with reference to fire when they knew that an investigation would be made into the origin of a fire. As to the tax which was proposed on matches, he thought it was one of the best ever suggested, and regretted that the proposition was so speedily put aside.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. M'Lagan.)

MR. TURNER said, the House must unanimously admit the necessity of making a judicial inquiry into the origin of fires. Nothing showed the necessity more than the fact that from 30 to 50 per cent of the fires which occurred involved the loss of very valuable property, as in many cases the origin could not be ascertained under the present system, and there was strong reason for supposing that the majority of fires were occasioned by culpable negligence or fraud. That the use of lucifer matches and smoking by workpeople in warehouses had a deal to do with the frequency of those occurrences was evidenced by their diminution following upon the more rigid rules which were now enforced among operatives in regard to smoking. It was quite a common fact, whenever a very large fire took place, involving damage to £10,000, or even £100,000 worth of property, that the cause was set down as "unknown." Although some hon. Member might find objection to a few of the details, he hoped that the House would at least pass the principle of the measure, not merely in regard to the interests of insurance companies, but for the public good.

MR. D. DALRYMPLE said, the appointment of the coroner to investigate the cause of fires was a decided advantage; for it was well known, under existing circumstances, that many insurance offices lacked moral courage in prosecuting cases of special fraud. The chief difficulty consisted in the evanescent character of the proof, and this the measure would meet by directing an inquiry, without much loss of time, and before guilty persons had much chance of removing the traces of their guilt. At present, there was not only delay, but the expense incurred by offices in

the prosecution of supposed offenders not unfrequently approached the amount of the insurance itself; and whenever this was likely to occur they were disposed to make a compromise rather than prosecute. These fraudulent fires were by no means confined to urban districts, and several of the fires which prevailed in Yorkshire some time ago were due as much to the low price of corn as to anything else. With regard to fires in agricultural districts, it would be generally found that it was in the best fields and in the best seasons that they broke out. The Bill was, in his judgment, a complete measure, and the insurance companies would welcome it.

MR. C. S. READ said, he did not think it was creditable to our domestic legislation that five years should be allowed to pass before the House proceeded to give effect to the recommendations of the Select Committee on this subject—a Committee of which he was a Member, and over which his hon. Friend, who now moved the second reading of the Bill, presided with so much ability and patience. He concurred in the funeral oration which had been delivered on the deceased match tax, because he happened to be that Member of the Fires Committee who moved the resolution for the taxing of all matches that might be lighted anywhere, and not on the box only; for he contended that such a restriction would tend considerably to diminish the danger arising from the use of lucifer matches. He brought that resolution before the Committee, but had no one to second him, and was very much in the position of the Chancellor of the Exchequer when he passed through Westminster Hall, after proposing the obnoxious impost. The proper officer to make inquiry in England was the coroner. It was an old custom to have a fire inquest, and it would be a good one to revive. He had himself sat on such an inquiry about 20 years ago, and although the result did not enable them to bring a criminal indictment against the person suspected, it had the effect of diminishing the frequency of fires in the neighbourhood. The holding of a fire inquest was quite germane to the office of coroner, and not to that of magistrate, who could not make any investigation unless some person was suspected and brought before him. He also agreed with those who thought that the insurance companies were not the proper par-

be had taken in this matter, and for the care and ability with which he had prepared the Bill. If there had been more time it would have been a very proper question for the Government to have introduced on their own responsibility. But he was really thankful when hon. Members availed themselves of a portion of their time to introduce useful subjects of legislation; and he only wished that their Wednesdays generally were occupied in the consideration of such measures. He was not going to make any prolonged observations on the subject, because, on the whole, he approved of and could see very little to object to in the Bill. Though the coroner might, under the circumstances, be the best officer to intrust with the conduct of the inquiries contemplated by the measure, it must be admitted that the choice was not altogether satisfactory. He knew that these inquiries required very often considerable judicial power, and they knew that a number of the coroners were gentlemen who had not received a judicial education. Still, the powers possessed by the coroner were more strictly analogous to those required by an official who ought to be entrusted with these investigations than those of a justice; and in case of need an assessor might be appointed. There was one slight omission in the Bill. It did not provide for the manner in which that assessor, when appointed, should be paid. As to the question of contribution to the expenses by insurance companies, much was to be said on both sides. On the one hand, the interests involved might be said to be those of the public. On the other hand, the companies were interested in having the causes of fires thoroughly investigated, and there were several precedents for persons so interested being called upon to make contributions. For instance, though all the subjects of Her Majesty were entitled to have their property protected, yet in many instances extra police were employed by the owners of valuable property, who paid for their services, though those police were under the general guidance and control of the chief constable of the district. But these were details which might be considered in Committee. The Bill seemed to have been very carefully prepared, and on the part of the Government he would give it every assistance. There was one matter, however, to which hon. Gentlemen

had alluded, and to which he wished to refer in the interests of historical accuracy. It had been said by his hon. Friend the Member for Perth (Mr. Kinnaird) that the withdrawal of what now appeared to be a very popular tax was due to a certain procession and the exhibition of force by interested parties. But he could assure his hon. Friend that the determination of the Cabinet to withdraw the match tax had been arrived at several days before the procession. The Government had ascertained that other forces were arrayed against them, and that they had but little chance of carrying the tax to a successful issue. It was on that account that they withdrew the proposal.

DR. BREWER said, the coroner was not an officer of sufficient legal intelligence and training to undertake such responsibilities as would be thrown upon him by the Bill, which was wholly inadequate as far as the proposed tribunal was concerned. The fire at Chicago had further complicated the matter, for it had given rise to very many important questions, and its origin was still involved in great obscurity. In fact, we had no security here at home against the occurrence of such a fire. He would not, however, oppose the measure.

Motion agreed to.

Bill read a second time, and committed for Thursday 4th April.

ALBERT AND EUROPEAN LIFE ASSURANCE COMPANIES (INQUIRY) BILL.
(*Mr. Stephen Cave, Mr. Kirkman Holroyd, Mr. Barnett, Sir Thomas Buxley.*)

[BILL 8.] SECOND READING.

Order for Second Reading read.

MR. BARNETT, in moving that the Bill be now read a second time, said, that in the absence of his right hon. Friend the Member for New Shoreham (Mr. S. Cave), whose Bill it was, he hoped the House would consent to the Motion, and at a subsequent stage allow his right hon. Friend to state his case in favour of the measure. The collapse of great companies, whose liabilities amounted to several millions, was calculated to throw discredit on the whole system of life assurances unless matters were properly explained. He had no doubt the result of the inquiry would show that, with ordinary prudence in the management of life assurance business, such catastrophes could not occur.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Barnett.)

SIR HENRY SELWIN-IBBETSON said, he should not then canvass the merits of the Bill, but should on a future occasion take exception to Clause 4, which provided for the payment of the expenses of the inquiry out of the public Exchequer. Such a course taken in the case of what was essentially a Private Bill was very irregular, and would establish a bad precedent.

MR. H. B. SHERIDAN postponed any remarks he wished to make until the Bill went into Committee. He would merely say that anything fair and just in the shape of a tribunal to inquire into the failure of these companies would meet with his approval.

MR. HERMON said, he thought the right hon. Gentleman (Mr. S. Cave) had done good service in bringing in a Bill to make an investigation into a Society which had brought ruin to thousands of families; but he agreed with the hon. Baronet (Sir Henry Selwin-Ibbetson) that the expenses of the inquiry should not be paid out of the public Exchequer. He would suggest that some of the gentlemen who were receiving pensions from the Government should be appointed to the office of Commissioners under this Bill, and should be obliged to accept the appointment or abandon their pensions. He trusted the action of the Government with respect to the Bill would be closely watched, because it was not with an economical, but an extravagant administration that the House had to deal.

MR. CHICHESTER FORTESCUE said, there was no doubt that if the sanction of Parliament was to be given to the proposal that this Commission of Inquiry should be carried on at the expense of the State a very strong and exceptional case should be made out. But he believed, for his own part, that the case was of a very exceptional character, and he could not help looking with some favour on the proposals of his right hon. Friend now absent. The arrangement proposed was a perfectly fair one, and meanwhile Members should suspend their judgment on the question.

SIR STAFFORD NORTHCOTE said, that he was sure his right hon. Friend (Mr. S. Cave) would feel very grateful to the House for the consideration it had

extended to him, and that he felt it to be a great disappointment not to be able to attend on this occasion. He (Sir Stafford Northcote) agreed in the necessity that the House should suspend its judgment.

Motion agreed to.

Bill read a second time, and committed for Wednesday 10th April.

PUBLIC WORSHIP FACILITIES BILL.

(Mr. Salt, Mr. Norwood, Mr. Dimesdale,
Mr. Akroyd.)

[BILL 18.] SECOND READING.

Order for Second Reading read.

MR. SALT, in moving that the Bill be now read a second time, said, he would not take long in explaining its clauses. Last year an Act called the Private Chapels Act was passed, which contained a clause relating specially to chapels attached to private houses. That clause was rejected in the other House. At the same time, it received so large a measure of support in this House and elsewhere that he felt at liberty to re-introduce it this year, if possible, in an amended form. The 1st clause of his Bill provided that—

"The bishop of the diocese within which any parish, new parish, or ecclesiastical district was situated, containing more than 2,000 inhabitants, might license a clergyman of the Church of England to perform such offices and services of the Church of England as might be specified in such license, in any school-room, or other suitable building or chapel, whether consecrated or unconsecrated, situated within such parish, new parish, or ecclesiastical district."

The 2nd clause provided that—

"The bishop of the diocese within which any hamlet or place was situated, containing more than 20 inhabitants, and lying more than two miles from the church of the parish, new parish, or ecclesiastical district in which such hamlet or place was situated, might license a clergyman of the Church of England to perform such offices and services of the Church of England as might be specified in such license, in any school-room or suitable building, or chapel, whether consecrated or unconsecrated, situated in such hamlet or place, or within 200 yards from the boundary thereof."

The 3rd clause provided that—

"The bishop of the diocese within which any chapel was situated belonging to a private residence, provided that such residence together with the premises belonging thereto or occupied therewith contained more than 20 inhabitants and was the property of and maintained by the owner of such residence, might license or consecrate such chapel, and such chapel should be a free chapel and independent of the control of the incumbent of the parish in which such residence was situated."

And the remaining clauses were more or less limiting clauses, as, for instance, that the solemnization of marriages should not be included under these licences, and that in no chapel or room so licensed should seats or pews be let for hire, so that there might be no unnecessary interference with the incumbent. The 9th clause required that—

"The bishop should, before granting a license to any clergyman under this Act requiring him to officiate in any parish, new parish, or ecclesiastical district, give notice in writing to the incumbent of such parish, new parish, or ecclesiastical district of his intention to license such clergyman at least one month before such license was issued, in order that such incumbent might have an opportunity of making any observations or objections upon or to the issuing of such license."

And the 10th clause provided that—

"If such incumbent should be desirous of objecting to the issuing of such license he should, within one month after the receipt by him of such notice as last aforesaid, forward to the Bishop a statement in writing that he so objects, and of his reasons for so doing, and if the Bishop should not, within a period of one month after such statement should have been forwarded as aforesaid, comply with such objection or objections, it should be lawful for such incumbent, if he thought fit, at any time within a period of two months after such statement should have been forwarded as aforesaid, to appeal to the archbishop of the province in which such parish, new parish, or ecclesiastical district was situated, and the decision of such archbishop should be final, and after such appeal no such license should be valid unless it should have been allowed by such archbishop, such allowance thereof being signified by the signing thereof by such archbishop."

The object of the Bill was simply this—to impart a greater degree of elasticity and freedom to our present ecclesiastical system, and the effect of it would be, that in certain parishes the Bishop would be able to introduce a clergyman who would practically act as a missionary clergyman, and who would often lay the foundations of a new parochial district of Church activity. The Bill would also confer the power of providing clergymen in very populous places. At present, church building and church endowment were confined almost wholly to very rich persons. Those who were possessed of only moderate means had no opportunity of providing independent services, however anxious they might be to do so. The Bill was in no respect aimed at the clergy. He felt too deeply and sincerely how much society was indebted to the labours of the clergy of the Church of England ever to be the conscious instrument of offering them a slight. He might also say that in his own neigh-

bourhood the Bill had met with no decided opposition from the clergy, and in many cases had been received with warm approval. In another diocese the Bishop had called the special attention of the clergy to the Bill; but he had failed to elicit any marks of disapprobation from them. He thought that he sufficiently justified the introduction of the measure when he showed that it had met with the substantial approval of the majority of the clergy; because he could not conceive any grounds on which laymen could object to it. He might pile up a heap of grievances to prove the necessity for the measure. He might point to large parishes where the religious instruction of numbers of people was wholly neglected, and to many outlying hamlets where the inhabitants never saw a clergyman, and never went to church. But he would abstain from occupying the further attention of the House, and would say no more than this, that the Bill would do good, and could do no harm, because wherever the clergyman of a parish was able and willing to do his duty, there was no possibility of the Bill being brought into operation; while in contrary instances its utility was unquestionable. He hoped that the House would sanction the measure, and would thus help to remove the restrictions upon church building and on the extension of Church services which had grown up in the course of time, but which were never intended to exist either by the law of the Church or by the law of the land.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Salt.)

MR. BERESFORD HOPE, in rising to move the rejection of the Bill, said: I must own that I have been disappointed in not hearing from my hon. Friend stronger and more direct arguments for its acceptance. No doubt he has stated many things which are admirably true. I do not think he has made a single statement which I have not repeatedly heard in the many sermons one listens to when collections are made for church building, or any such popular object. No doubt vice and ignorance do abound in our populous cities. No doubt the clothes we wear are not the same as the clothes our ancestors wore 200 years ago. No doubt church building is a good thing, and no doubt it ought to

be a cheap and not a dear luxury. I grant all this, and still I am as far off as I was a quarter of an hour ago from seeing any reasons for the support of this Bill. I must ask the House to look at the Bill from a somewhat different point of view from that of my hon. Friend. He has brought his project before the House as if it were a very little matter — as if it only involved a slight alteration of the parochial system or some interpretation clause to remove a little hitch. I can assure the House that be it for good or be it for bad it will effect a revolution in the Church of England in the matter of its parochial organization — that parochial organization being, as all know, a main corner stone on which the existing Church is built. Pass this Bill, and you may have a better Church of England, or you may have a worse Church of England than it is now; but at any rate it will be a totally different Church of England from that which at present exists. I appeal to the House to say whether it is treating the Church with proper respect to bring in a Bill of this importance without giving proper notice to all interested parties. Some two or three private friends have been consulted; but the sense of the Church itself has not been adequately, or rather has not been at all tested. My hon. Friend says that he has made some personal inquiries in his own neighbourhood, but in all probability those to whom he addressed himself did not understand his questions. His only conclusion briefly put is that he received no great amount of opposition nor any great amount of approbation; the only direct and tangible opinion to which he refers being that of a Bishop who has condemned the measure in explicit terms. If it had been a question of winding up an insurance company, or of dealing by statute with fraudulent fire-raising, we should have required more explicit evidence. It is, however, a measure relating to one of the most active and important institutions of the land — no less than the Church of England. Is the Church of England incompetent to manage its own affairs on points which concern its *de bene esse*? Have there not lately been questions of the utmost interest to the laity as well as to the clergy — questions relating to the conduct of Divine worship — remitted by the Government itself to the Church's chief assembly? And

have we not seen that assembly buckling itself to the consideration of these questions and concluding, without distinction of parties, and in the most broad and liberal manner, upon the recommendation of large and comprehensive reforms? And have we not seen equal activity on Church questions among the laity, without whose co-operation the exertions of the clergy would have been comparatively fruitless? I lay great stress upon this, for I am one of those who absolutely repudiate the heresy that the Church is the clergy only. The Church is the clergy, no doubt; but the Church equally includes the laity, and the opinion of the laity ought to be gathered on all controverted ecclesiastical matters. In England at the present day united gatherings of the clergy and the laity are becoming increasingly common. We have in the recess to live up to meetings in Archdeaconries, and of diocesan conferences harmoniously discussing matters of great interest to the Church; and yet in the face of all this activity we are told to sit down on a sleepy Wednesday afternoon and give our assent to a measure which will absolutely revolutionize the Church of England, without taking any steps to test the opinions of the members of the Church, whether they be clergy or laity, men or women, as to the necessity or the possibility of this amateur Church Reform Bill. If I had no other objection, I would say "No" to the second reading of a Bill which my hon. Friend has not taken steps to bring before the consideration of any assembly of the Church, whether formal or informal. I should oppose it because it deals with a question upon which he has not invited any public opinion, and because it affects interests which he has left buried in the obscure recesses of a vague and uninstructive title. This policy is not to deal fairly with the House; still less is it to deal fairly with the institution, the interests of which he professes, and intends — I am sure most conscientiously — to serve. When I look upon his Bill I find that it bristles with good intentions, but that they are cast in a shape which will make the measure more mischievous in its operation than if it were intended to vex and weaken instead of strengthen the Church.

Now, let us proceed to consider the substance of the Bill. The measure divides itself, roughly speaking, into

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three main heads. The 1st clause provides that—

"The bishop of the diocese within which any parish, new parish, or ecclesiastical district is situated, containing more than two thousand inhabitants, may license a clergyman of the Church of England to perform such offices and services of the Church of England as may be specified in such licence, in any school-room, or other suitable building or chapel, whether consecrated or unconsecrated, situated within such parish, new parish, or ecclesiastical district."

The building so licensed may be situated on the opposite side of the street from the Church, or it may be even next door to the Church, with only a party wall between them; and the clergyman so licensed might be one whose doctrines and method of conducting worship were intentionally, as well as overtly, opposed to those of the incumbent. He might be a Ritualist pitted against an Evangelical, or an Evangelical or a Broad Churchman opposed to a Ritualist. It might, I say, assume either form of oppugnancy, for I am not arguing the question in the interest of any Church party. All such parties represent different phases of opinion in the Church, and all alike are entitled to protection and encouragement within sufficient regulating limits. But then you may say you will have a safeguard against many calamitous outbursts of parochial civil war in the Bishop's licence. I shall speak hereafter of the value of these safeguards; but I take a preliminary objection to the efficacy of Bishops' licences. Bishops are like other men. No doubt they live in the light of rational public opinion, but they live also under the pressure of public turmoil, of political agitation, and sometimes of sectional intimidation. They are subject to the criticism of the public Press; they are subject to the stress of noisy meetings; they are subject to the irritation of unfriendly coteries. On all sides there are dangers—on the right hand and on the left—and the Prelate finds his popularity menaced. Well, when he is striving, as he thinks, to keep things together, some energetic mouthpiece of opinion, lay promoter, or expectant clergyman comes to him to say that he wishes to open a fresh channel for the preaching of the Gospel, or for the performance of the rites of the Church. If he belongs to one party he will phrase his application in one way, if to another party he will adopt the other expression. The Bishop may not be quite strong-minded, he may

be susceptible and thin-skinned; afraid of public meetings, afraid of journalists, afraid of the associations with £30,000 at their backs, to persecute as well as to prosecute; and so he will prefer to do the easy, good-natured thing, and give the licence rather than expose himself to the trouble and ill-will of testing, analyzing, and discriminating the merits of the application. For if he refuses the first licence he inevitably exposes himself to the trouble of giving his reasons for granting the next one, and *vice versa*, while he will dread the unvarying odium of an impartial and continuous refusal. The Bishop will be pestered with applications from all sides; he will not only have applications from individual clergymen and promoters, but he will have applications from joint-stock companies formed for the purpose of propagating their peculiar opinions within the limits of the Establishment. If he licences on the one side and not on the other he will be pelted by the partisans of the neglected interest; if he licences and refuses alternately he will be pelted by the partisans of both sides; if he deals with each case upon its own merits he will gain no credit for his conscientious trouble, while he will make enemies of all whom he has refused. Take the case of our Bishops generally, and remember that as a rule they are overwhelmed with work. Consider that many of them are advanced in years, and you must own that, with regard to the Bench all round, this safeguard of a Bishop's licence is scarcely worth the paper on which it is printed. The Episcopate would seek safety in the theory that the Act was imperative, and the licence would be granted almost as a matter of course. So, in spite of Bishop and Archbishop, you would have a chapel on the opposite side of the street to the parish church, wherein a clergyman would be set free to preach doctrines of the most opposite character to those of the vicar of the parish. My hon. Friend has dwelt on the desirableness of cheap churches. Let me point out to him that there is some advantage in not overcheapening the market. At present there is ample machinery provided for the sub-division of parishes, with or without the incumbent's consent. It is a mere question of money, and when the money is provided, let a clergyman be ever so obstinate and ever so unwilling, he finds himself in the end unable to resist the determination of those who insist

on having the parish sub-divided. As matters stand now it is, I repeat, only a question of expense. The thing is possible, but it is not too easy. And so, under this state of things, that blessed result called compromise comes in; and in this case compromise means wisdom, compromise means peace, compromise means charity. In the first instance, some one comes forward and proposes to cut up a parish. The clergyman does not see his way to so great a change, and public opinion among the laity of the parish is divided; then other parties intervene, and in the end a new church is got up under conditions intended to do justice to the conflict of opinion. Perhaps the man who was first proposed for it is withdrawn, and another minister is appointed who is not so antagonistic to the incumbent and to his friends, and so the end of further church accommodation is gained, but not at the expense of charity. But if you take the rough-and-ready process of this Bill, there will be no time or place for any compromise; for without any attempt to meet the clergyman half way, without any attempt to ascertain the feelings of the parishioners, without asking the consent, but even the opinion, either of clergymen or of the flock, a licence will be applied for, perhaps, by an outsider, and the chapel started on its career of piracy. These are some of the objections which I take to the Bill under its first head. I come now to the still more extraordinary proposals contained in the 2nd clause. That 2nd clause is—

"The bishop of the diocese within which any hamlet or place is situated, containing more than twenty inhabitants, and lying more than two miles from the church of the parish, new parish, or ecclesiastical district in which such hamlet or place is situated, may license a clergyman of the Church of England to perform such offices and services of the Church of England as may be specified in such license, in any schoolroom or suitable building or chapel, whether consecrated or unconsecrated, situated in such hamlet or place, or within two hundred yards from the boundary thereof."

If this clause has any foundation, it must be the hypothesis that no parish has any neighbours. Does my hon. Friend suppose that this school-house, or other suitable place, will be merely frequented by the inhabitants of the parish in which it stands? If he does not, all his provisions against abuse are practically worthless. The only per-

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son who has a right to appeal to the Bishop is the clergyman of the parish in which it stands. But this room is to be situated in an outlying district two miles from the parish church, and, therefore, in all probability, not quite two miles from the boundary of some other parish. Take the case of some man, with a mind of diseased activity, who wishes to disturb a neighbouring clergyman, perhaps, because he is too High or too Low, or, perhaps, because he is neither High or Low enough, but is doing his duty peaceably, quietly, and thoroughly. The clergyman of the next parish is a man of a different stamp—lazy, may be, or careless, or ill-disposed to his brother clergyman, and a bitter partisan. Well, then, will the promoters set up a chapel in any part of the parish of the clergyman whom they desire to annoy, and risk the effect of that clergyman's appeal to the Bishop? They would be very unwise to do so, provided the next parish fulfils the geographical conditions. They will much rather go to its clergyman, and say—"We are not going in opposition to you; the place where we intend to open a chapel is full two miles off from you, and no one will leave your church to go there. But it is only a mile and a-half off from Mr. Jones. Mr. Jones is a person whom neither you nor we like; grant us leave to open a chapel there, and we guarantee that we shall not drain your congregation at all." The bargain is struck; the promoters go to the Bishop; the clergyman makes no objection; the licence is, of course, granted, and by-and-by, Mr. Jones finds that his congregation is drained; that his teaching is treated with contempt; that his charities are starved, and that his parochial organizations are upset. His own staunch followers share in his distress; but of the laity, as a body, the Bill makes no account. They look to the Act to find redress, and they have the consolation of observing that they are deliberately and completely shut out. The 3rd clause is—

"The bishop of the diocese within which any chapel is situated belonging to a private residence, provided that such residence together with the premises belonging thereto or occupied therewith contains more than twenty inhabitants and is the property of and maintained by the owner of such residence, may license or consecrate such chapel, and such chapel shall be a free chapel and independent of the control of the incumbent of the parish in which such residence is situated."

Now, I have myself a house containing more than 20 inhabitants, and in that house I have a chapel; but I should scorn to avail myself of such a permission as this. Why, I ask, are we to give such an exclusive privilege to a rich man that he should be able to withdraw himself from the salutary control of the parish clergyman, and stand apart from his fellow parishioners in the matter of common worship, and all the other works of piety which arise out of the parish? It is said that every Englishman's house is his castle. If you pass this Bill, every rich Englishman's house will become his temple also, where he may wrap himself up in gloomy and proud isolation, and leave his poorer neighbours to tramp to that inferior building, the old parish church.

Now I come to the 6th clause, and this, I confess, fairly staggers me, for such an outburst of sacerdotal tyranny I did not expect at the present day. It provides that the offertory and alms collected at any public service in these new chapels shall be disposed of as the officiating clergyman shall direct, subject to the control of the Ordinary. The House will recollect that under the present law the offertory is subject to the joint disposal of the clergyman and of the parish churchwardens. The churchwardens are put in as representing, and rightly representing, the laity. Practically, it is true, the clergyman in most cases is allowed to dispose of the offertory himself, but he does so because it is known that he will not abuse his privilege; because the churchwardens have confidence in him, and leave the matter in his hands. Let a clergyman abuse this privilege, and the common law right revives, and the churchwardens can, and no doubt do, interfere. But under this clause there is no protection for the lay portion of the congregation whom you have enticed to come into this novel conventicle. The clergyman alone is to dispose of the offertory. He is not called upon to give any account of its disposal; he may entertain the wildest ideas; he may use it to support a scheme for converting the Patagonians by the Chinese missionaries, or for any of those eccentric projects that germinate within diseased imaginations. But then, it is said, that this control is to be subject to an appeal to the Ordinary. But who is to put the Ordinary in motion? Who is

to make the appeal? Who is to give information to the Ordinary? Suppose a man were to assert that on a particular Sunday he had given 6d. to the offertory, and were to say—"I have reason to believe it went to the support of the Patagonian Washerwomen's Association,"—how could it be expected that the Bishop would waste his time in the investigation of such a trifle? He would tell the man—"Then why did you go there?" You simply put it in the power of these filibustering ministers to empty the parish churches and starve out their organizations for any wild and eccentric object. But the clause is not so idle as it might seem at first sight. A subsequent clause throws light upon the subject. The 8th clause—about the only good one in the Bill—says that no seats are to be let on hire, and no fees are to be charged for admission to divine worship. That looks all very well, but when the offertory bag has gone round the gentleman who has provided the chapel, and presented the minister, may have a very clear and curious knowledge of how much goes into it. I think this is a very good reason why the 6th clause has been introduced, and that it must be read with the 8th as its interpreting clause.

The 7th clause provides that these chapels shall not be licensed for marriages. Is the permission, then, to be held to include all the other rites of the Church? Are we to have clandestine baptisms? Are we to have burials with any form, or with no form of service? The exclusion of one particular rite implies the admission of every other, and I point this out to the House to show how dangerous such concessions to these privateering clergymen may become without such clearly drawn and comprehensive limitations as this Bill forgets to provide. I need only call the attention of the House to the manifold evils of a loose system of death registration.

Now we come to another clause, enacting that the Bishop, before granting his licence, must give notice in writing to the clergyman of the parish, who will have one month to object in. But the licence may be applied for when the clergyman is absent from home. The people who work these chapels will be clever enough to apply to him when the clergyman is away from

his parish; and as only one month is allowed to object, that clergyman may find at any time that the licence was granted when he was abroad or ill, and that the whole life's objects for which he has been labouring in his parish is passed away from him, owing to a four or five months' necessary absence.

I proceed to the 10th clause, which is entitled the "Appeal to the Archbishop" against the decision of the Bishop, although it also includes the prior appeal to that Bishop. The supporters of the Bill may say that this clause is founded on precedents derived from present Church legislation. But that present legislation rests on something like respect for the pre-existing state of things. This measure is founded upon the general rejection of that parochial system which we have been always taught to believe in and to value. The clergyman of the parish in which the chapel is to be localized may give notice of objection and of appeal to the Bishop, but there is virtually no provision that he shall have, I do not say a fair hearing, but any hearing at all, or even any reply. The Bishop is not to act as a judge; he is simply to be a gentleman to whom the clergyman may send a letter—he has no means of getting at the Bishop, he has no means of stating his case verbally. The Bishop may be a gentleman wishing to act fairly, but he has committed himself beforehand to the licence; he has promised the promoters he will do it; he will then simply tell the clergyman that he has no objection to the chapel, and that he wonders anyone else can have any. Is the Bishop, I repeat, bound by this measure to give the clergyman a hearing? No. Is he bound to give him any answer at all? No. In his abundant courtesy he may send him a halfpenny card—"The Bishop of Islington presents his compliments to Mr. Smith, and acknowledges his communication of the 14th instant." But the licence goes forth notwithstanding. Then the clergyman goes to the Archbishop. The Archbishop will probably go to the expense of a penny stamp, and will enclose his missive in an envelope, informing him—"The Archbishop has received Mr. Smith's communication, but that, as he has perfect confidence in the wisdom and discretion of the Bishop, he is unable to perceive any necessity for his interfer-

ence." I say, if you are determined to persecute the clergyman, let him be persecuted in the open daylight. Let him go in person to the Bishop, let him have a hearing in the presence of his antagonists, and let him then plead his cause in a similar manner in his appeal to the Archbishop; otherwise you will fall into that worst form of mal-administration—a paternal despotism, and paternal despotism is only another name for general discontent. I think, Sir, I have said enough to show that this is a measure for revolutionizing the Church, and that you will have the Church in a flame in six months if you pass this Bill. You will light that flame in those parishes where the licence is granted, you will kindle it in those parishes where it is refused, you will spread the conflagration wherever the clergyman stands up for his rights, and you will leave it smouldering in the hearts of the quiet laity wherever he is weak enough to succumb. Why, then, all this? Simply because you want to pass a measure, and place it on the statute book, which has been languidly considered in the House of Commons on a Wednesday afternoon. I know that the parochial system is capable of reform. I know that more chapels and mission stations are needed. I have always stood up, and I shall always stand up, to plead for such reforms. But it is because I feel the system is in need of development that I call upon you to reject this crude and vague scheme. Let the Church—meeting in Convocation, and meeting in diocesan conference—examine into its own wants, and propose some scheme of its own which shall be satisfactory to the clergy, grateful to the laity, and just to the country at large. Fully believing that the Church is competent to deal with all these questions by itself, I oppose this Bill, and I move that it be read a second time this day six months.

Mr. MONK, agreeing with the hon. Member who had just sat down as to the revolutionary nature of the proposed change, wished to second his Amendment. He took exception to almost every clause of the Bill, and looked at it as a forward step towards the disestablishment of the Church. He supposed the measure would obtain the support of the hon. Member for Bradford [Mr. Miall]; but if disestablishment was desirable he

Mr. Bradford Hope

thought that point should be settled first, and that the present measure should be introduced afterwards. Convocation was preparing a measure on the subject which would shortly come before Parliament, and he thought the House should wait for it. In his opinion it was very undesirable that any room should be consecrated as a chapel in a private residence, unless it could be secured for ever for the celebration of Divine worship. The appeal to the Archbishop was a delusion; he never knew a case in which an Archbishop reversed the decision of a Bishop. The Bill was so disastrous to the Church that he hoped the House would refuse to give it a second reading.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(Mr. Beresford Hope.)

MR. NEWDEGATE, while sincerely desirous to further parochial sub-division, could not ignore the character and existence of the Church of England. The great body of the Church had been in no way consulted or considered. The clergy of the Church occupied a certain position. They were subject to a certain discipline. It was competent under the existing law for the laity to appeal to tribunals which ought to support that discipline. That was a principle which ought never to be lost sight of in the Church of England. So long as that Church remained an Established Church, its members were privileged as being officers of a corporation which had a discipline. The laity must never give way to individuals amongst them, or give to the clergy or the Bishop the power of dispensing with that discipline, which the law regarded as their security.

MR. NORWOOD, in supporting the second reading of the Bill, said, everyone must be aware of instances in which the clergyman of the parish was always quarrelling with the majority of his parishioners, and this Bill was required to meet such cases. He knew of a case of a parish containing 5,000 inhabitants, in which a lady left £7,000 or £8,000 to rebuild a chapel of ease on an enlarged scale, and the clergyman, who was a very old man, was offended at that bequest, and did all he could to prevent the carrying out of the object. In another case of which he was cogni-

tant the clergyman was opposed to nearly all his parishioners, and they said that if the Bill were passed they would soon be enabled to place matters in a proper position. He did not see any objection to the machinery of the Bill, for it provided that no action should be taken unless with the consent of the parishioners or the Bishop, and the right of appeal was given to the Archbishop. As to the question of expense, he could not understand why, if people were ready to provide for a stipend and other charges, they should not be allowed to do so. He believed that legislation of this kind would do more than anything else to put down the cry for the disestablishment of the Church of England, and believed that, so far from being a revolutionary measure, that it would effect a great improvement in the condition of the Church.

MR. GATHORNE HARDY said, that when he saw the name of his hon. Friend (Mr. Salt) on the back of the Bill he felt convinced that he had brought it in with the sincere desire of advancing the interests of the Church. Upon reading the contents of the Bill he viewed the matter differently from the way in which the hon. Member who had just sat down regarded it. If the House looked at the Bill it would see that this was not a question of dividing parishes, but of dividing parishioners; and though it was in many instances a very good thing to divide parishes, it never could be a good thing to divide parishioners within the same church. It was proposed, on the ground that the incumbent of a parish was opposed to what was desired to be done, to set up another incumbent in opposition to him; and that, because a certain portion of parishioners were not satisfied with the ministrations of the clergyman of the parish, a stranger should be brought in to whom they might transfer their allegiance. Within the Established Church a clergyman having the cure of souls over the whole of his parish, and responsible alike to the Bishop of his diocese and to his parishioners for the cure of those souls, was to be brought into collision with his parishioners, and afterwards into collision with his Bishop. No doubt, where there was not sufficient ministration for the whole of a parish, and there were means of dividing the parish itself, that parish ought to be divided; but that

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was a totally different thing to what was proposed by this measure. The hon. Gentleman (Mr. Norwood) had referred to the case of a parish containing 5,000 persons, which was insufficiently provided for, although it had both a parish church and a chapel of ease, and in relief of which a lady had left a large sum of money to rebuild the chapel of ease. But this Bill would not touch such a case as that at all; for the principle of the Bill was based on building, not a chapel of ease, but an opposition church altogether. A chapel of ease would still be under the authorities of the parish; but what was contemplated here was an establishment in opposition to the incumbent. If that were not so, the Bill would not be necessary, because where the incumbent of the parish agreed to what was proposed to be done, there would be no difficulty whatever. No doubt in certain parishes there might be clergymen who would run counter to the wishes of those over whom they were set; but it would not be a wise thing, because such cases happened here and there, to alter the law with respect to the whole Church. The hon. Gentleman who supported this Bill seemed to have an entire belief in Bishops and an entire disbelief in incumbents; but it should be borne in mind that there were Bishops who differed in opinion in all sorts of ways. Would the Bill cast a duty on Bishops or not? If it did not, it was pretty certain that the Bishops would not move in the matter, because the difficulties they would get into if they did would be so great. But if it did cast a duty upon them, they might think themselves bound to exercise it, and so it would be placed in the power of 25 or 26 Bishops to legislate as each might think proper, with an appeal to the Archbishop; but it would be an invidious appeal—an appeal from the diocese to the province; an appeal from local knowledge to no knowledge at all; an appeal which must be disagreeable to the Bishop, and which could not be very agreeable to the Archbishop. Suppose in one of these parishes there was a clergyman considered to be "too High" for some of his congregation, and the Bishop, who might be of "Lower" views, were called upon to put a clergyman of his own opinions in the parish, would not that be an inducement for other Bishops of different opinions in

other dioceses to act in the same way with respect to the clergy in their dioceses? It would be much better for the peace and interests of the Church if hon. Members would give up some of their feelings, and remember that, though they might not like the sermons or some of the proceedings of the clergymen of their own parishes, they would find plenty of other parishes where the incumbents were men of their own way of thinking. The passing of such a Bill as this would, he believed, only introduce schism and discord, and have the effect of dividing parishioners into hostile parties, and he therefore hoped that it would be rejected.

MR. HENLEY remarked that the hon. Member for Cambridge University (Mr. Beresford Hope), looking at the Bill from a clerical point of view, picked plenty of holes in it; but there were two sides to the question, and there was the side of the people as well as the side of the clergy. Anyone who considered the spiritual state of the metropolis for the last 70 years must come to the conclusion that such a Bill as this was necessary. At an early period of the present century, it was a common saying at every dinner table that it was easier to get a seat in Parliament than a licence for a place for Church of England worship. At the end of the War, Bishops and clergy stood up for what they called Church extension, and got £1,000,000, but they could not get another half-penny more. After a time there was instituted the first Bishop of London's Fund, and now there was a second Bishop of London's Fund, and everybody admitted that, notwithstanding the large sums subscribed, the spiritual wants of the people were not overtaken. In a great many places the clergy, to their infinite credit, had been actively working in their vocation, but there were other places where such was not the case, and then a Nonconformist clergyman came in. He could not shut his eyes to these facts, and in voting for the principle of the Bill, all he voted for was that there should be power vested in the Bishop to licence an additional place of worship in any parish where it might be wanted. If some difficulties on ecclesiastical grounds were to be met, they were matters for consideration in Committee. The population of the country was fast outrunning the

Mr. Gathorne Hardy

means of providing for immediate spiritual wants, and from the cumbersome necessity of getting a district formed, before the means could be got of building a church and endowing it, he thought some such Bill as this would be a great advantage, if it could, even in a very humble manner, fill up the great existing want.

SIR GEORGE JENKINSON, though a strong Churchman, would vote in favour of the second reading of the Bill, in the interests of the Church. He believed, if the measure was properly modified in Committee, it would do infinite good in remedying many abuses which now existed. It had been urged as an objection that it would give power to the laity as against the incumbent; but were the Bishops to have no power? The chief principle was the power of decision given to the Bishop, with an appeal to the Archbishop. Surely the Bishop would never act in opposition to the interests of the incumbent. He could not see that any case had been made out as to the evil working of a Bill, the principle of which was good.

MR. COWPER - TEMPLE thought that the laity ought to have a voice in these affairs as well as the clergy and the Bishops; and he felt an objection to the Bill, because he found no recognition of the wishes and powers of the laity in any part of it. An incumbent might exercise his power arbitrarily and capriciously, and it was very desirable that it should be balanced. The House had been told to have confidence in the Bishops; but he had more confidence in the power of the congregations to express their wishes on the subject. It was taken for granted that the Bishop would consider the wishes of the parishioners; but there was no machinery in the Bill by which those wishes could be ascertained; and the Bishop, on receiving a memorial, which did not represent the feelings of the parishioners, might appoint an additional incumbent distasteful to them. He agreed that it was desirable that the objects which the hon. Gentleman opposite (Mr. Salt) had in view should be attained; but he feared that the Bill, by failing to give to the parishioners some organization by which their feelings might be made known, would make matters worse rather than better, and inflict an unnecessary blow on the parochial system, which must be

mainly relied on for the improvement of the Church.

MR. COLLINS supported the Bill, because it did not deprive an incumbent of any rights, though it did confer a right on certain members of the laity. In the view of the Church a Bishop was the sole incumbent of a diocese, and he was the person who was spiritually responsible for the souls of all the persons in his diocese. [Laughter.] That, at all events, was what he believed to be the doctrine of the Church upon the subject. This Bill, therefore, simply carried out the doctrine of the Church, by allowing a Bishop to license any person to have a chapel in any part of his diocese. The incumbent of a parish was put in no worse position, because he retained his benefice and all his revenues, nor were any of the parishioners put in a worse position. It should be remembered that the parson was made for the parish, and not the parish for the parson. There were certain clauses that might be amended in Committee; but the principle of the Bill was good, and he should vote for it.

MR. WHITWELL said, there were reasons why the Bill should have been brought before the House for consideration; but he did not think they were sufficient to justify the passing of the Bill in its present form. He could hardly imagine a worse position than that which would be held by a parish into which a clergyman should be forced by the Bishop, contrary to the opinion of the incumbent. The incumbent himself would also be placed in an unpleasant position towards his Bishop, and the clergyman appointed would have no cure of souls. The system would cause inconvenience to the Church, and would be injurious to religion. If the Bill went into Committee, he should ask for the insertion of clauses requiring that the Bishop should only take action at the request of a number of parishioners, and giving greater powers of appeal.

MR. BRUCE said, he thought that the House should listen with favour to a proposal like the present, brought forward by warm friends of the Church. He admitted that if he were now called on to agree to the third reading of the Bill, he could not vote for it in its present form, for he regarded it as defective in many important respects. It would have been as well if the hon. Gentleman who had

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charge of it had studied a Bill introduced some eight or nine years ago, as he would then have been able to meet many of the objections now urged against the second reading. That Bill had been introduced for a somewhat similar purpose, to meet the case of a Welsh clergyman who had refused to allow a religious service to be performed in English for the convenience of English people residing at a seaside place in Wales. That Bill was opposed upon grounds similar to those mentioned in the course of the present debate. It provided, however, that an application for the appointment of a clergyman should be made by a certain portion of the parishioners; that the incumbent should be called upon to nominate a clergyman; and that only when he declined to do so should the appointment pass on to the Bishop; and there was more careful provision for appeal to the Archbishop than had been made in this instance. Many of these provisions might be adopted with advantage. Although incumbents generally were anxious to supply the spiritual wants of their parishioners, yet, in some localities, the provision for the purpose was insufficient. He heard, not long ago, of a case in which the circumstances were similar to those for which this Bill was intended to provide. A Prelate, observing that in his diocese there was a clergyman who neglected his duties, after trying various methods to improve the condition of the parish, at last engaged another clergyman to reside and open a school in the parish, and thus by indirect means to supply the religious influence that was wanting in the parish. It would be better to divide parishes, rather than to divide the Church; and it might be useful to provide that, wherever a clergyman was appointed against the wish of the incumbent to a parish with a large population, the Bishop should set apart the district to be under his special charge. In the statute relating to Wales a provision was made that some stipend should be secured to the clergyman; but there was no similar provision in this Bill. He entirely agreed with the right hon. Member for Oxfordshire (Mr. Henley)—that the wants of the parishioners, rather than the wishes of the incumbent, were to be considered, and, provided care was taken to prevent the occurrence of vexatious disputes, he thought the House might safely pass the second reading of

the Bill, the principle of which was, in his opinion, sound. At the same time, he gave fair notice that, as far as the Government were concerned, they would not allow it to pass through a third reading without considerable alteration.

MR. WHARTON said, that the present measure ought to be entitled "a Bill for the Total Destruction of the Parochial System." If words had been inserted in the Bill providing that the proposed facilities for public worship should be given with the consent of the incumbent, no one would have been more ready to vote for it than himself; but, believing that, as the Bill was framed, it would sow division and strife between the incumbent and the parishioners, and between the incumbent and the Bishop, he would cordially vote against it.

MR. SALT said, if the Bill passed the second reading, he should fix the Committee for some day after Easter, so that ample time would be allowed for considering the valuable suggestions made in the debate.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 122; Noes 93: Majority 29.

Main Question put, and agreed to.

Bill read a second time, and committed for Tuesday 16th April.

JUSTICES CLERKS (SALARIES) BILL.
(*Sir David Salomons, Mr. John Gilbert Talbot, Mr. Magniac, Viscount Holmeade, Sir Henry Selwin-Ibbetson.*)

[BILL 39.] SECOND READING.

Order for Second Reading read.

MR. MAGNIAC said, that in the absence of the hon. Baronet the Member for Greenwich (Sir David Salomons), he had been requested to move that the Bill be now read a second time. Its object was to carry into effect one of the recommendations of the Committee which sat in 1850 on which had been founded the permissive clauses of the right hon. Gentleman's (Sir George Grey's) Act of 1861, with reference to the payment of judicial officers by salaries instead of fees. A number of small fees had escaped the operation of the first measure, and what was called "Justices' justice" had been much impaired by the inefficient means for its

Mr. Bruce

exercise provided by the Legislature. Hon. Members would be acquainted with such cases as were sometimes mentioned in the newspapers, where for damaging a fence to the amount of 6d., a nominal fine of 2d. and costs, which meant in reality 17s., was inflicted. Everyone knew what a dismissed case was. The person charged had offended; but the offence was so small that the Judge could not let him off altogether, and therefore he imposed a fine over which he had no control whatever. In agricultural districts a case dismissed with costs meant a fine of 8s. 6d., for, perhaps, a petty inoffensive larceny. Accumulated fees became very hard when for the same offence perhaps three persons were fined. These fees placed the clerks to Justices in a very unfair position—as if they had a pecuniary interest in the conviction of the accused. He believed, on the other hand, that Justices' clerks performed their duties in a very proper manner; but, at the same time, he had no hesitation in saying that their payment by fees was a wrong which called for a remedy at the hands of the House. The Returns which had been supplied to Parliament on this subject had not been so full and ample as they might have been; but it might be gathered from them that the enabling clauses had been availed of to a very considerable extent. Twenty-four boroughs and seven counties had availed themselves of these clauses; and if a chance was given to the other counties where the system had not been carried out, it would confer some satisfaction and benefit upon the ratepayers. Sufficient experience had been gained to show that the Act would work well. The object of the Bill, as stated in the Preamble, was "to provide for the payment of clerks to Justices by salaries in lieu of fees, and to regulate the appointment of such clerks." There had been a timidity in the framing of the Bill; and he did not think that the 5th clause of the Bill sufficiently carried out the intention of the right hon. Gentleman's (Sir George Grey's) Act, the intention of which was to pay Justices' clerks by salaries in lieu of fees. What he proposed was to put that question beyond doubt by eliminating the latter part of the clause and also the 11th clause. He thought sufficient care would be taken of the rights of the suitors and Justices' clerks, and

not less of the rights of the Justices themselves, if exceptional cases were left in the hands of the Secretary of State for the time being. With regard to the 3rd sub-section of the 5th clause, it had been thought right to carry out the recommendation of the Committee which sat in 1850. That Committee had guarded carefully the rights of the clerks of the Justices. It was believed that it was secured by the three years' average, and he understood that that average had worked perfectly well. Two other clauses would be necessary to save existing arrangements under the enabling Act of the right hon. Gentleman (Sir George Grey), and it was not proposed to disturb exceptional cases during the lives of the present occupiers, except at the will of the Justices themselves. The 6th clause involved quite as important a principle as the 5th, and empowered the Justices to make tables of fees for the business before them. For that the sanction of the Home Department was required. At present, these tables were diverse and varied in every possible way. Changes of time, of place, and in the condition of the people had made them very little suitable to the wants of the case. He hoped that the provision requiring the tables to be sent up to the Home Department would be the means of producing uniformity throughout the whole country. He proposed to add a clause after the 8th clause giving the Justices power to remit the fees in cases of poverty. The 13th clause, he believed, was one which would create a great deal of discussion, and for the satisfactory adjustment of which discussion was necessary. It had been said that in the case of an unwilling prosecutor the prosecution should be conducted by the clerk to the Justices, and on the other hand he had been informed that it was a most unsatisfactory thing that the clerk to the Justices should have this duty imposed upon him. The information possessed by the House would enable it to arrive at a proper conclusion. In regard to depositions, they did not come before the Justices at all, and very good reasons could be shown why there could be no possible objection to Justices' clerks making them out. However, some did not agree with that, and objected strongly to a clerk to the Justices doing anything, except what he was called upon to do by the Act. The only remaining point

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on which he needed to refer was the question of qualification. It was at present required that the clerk should be a fit and proper person; the Bill proposed that he should be an attorney-at-law. At the present time, the clerk held his office at the will of the Justices; the Bill proposed that the appointment be made for life. These were two changes which were much too important to pass over in silence. One of the most curious objections to the Bill was, that the counties would make profit out of the transaction; but he did not see why the possibility of their making a profit should be a reason for their paying the clerk to the Justices more than he was entitled to. Looking at the probabilities of the case, the counties would rather lose than gain. If the second reading was carried the Bill should be remitted to a Committee in order that it might be printed again, with a view to bringing the Amendments he had indicated within the knowledge of the House. The hon. Gentleman concluded by moving that the Bill be read a second time.

SIR HENRY SELWIN-IBBETSON, in seconding the Motion, said he was exceedingly glad to hear from the hon. Member who had just sat down, and from the hon. Baronet who had introduced the Bill (Sir David Salomons), that they were prepared to accept Amendments which he had considered necessary. One of the most important Amendments was referred to in connection with the 3rd clause, by which, instead of a combined payment by salary and fees, the remuneration would be entirely by salary. He had been for some years a strong supporter of the principle advocated by the Bill, and he had done so for reasons stated by the hon. Member who had introduced the Bill, because the magistrates would be thereby relieved from many difficulties when they wished to remit fees in cases where they conceived them to be a hardship. It would also relieve the clerks themselves from a suspicion which was entertained by the public at large, that business was encouraged on account of the remuneration attached to it. And such a system would be an improvement on what already existed, as it would bring about a uniformity in the mode of keeping accounts throughout the country. He thought an Amendment would be necessary on the 5th clause—namely, that in case the

Mr. Magniac

clerks did not or could not return the amount of fees or disbursements, in order that the calculations as to their salaries might be made, the return should be taken from the average incomes of the last three years. He thought that there were details which would require amendment in Committee; but, at the same time, he had no doubt that some measure of this kind was strongly required.

Motion made and Question proposed, "That the Bill be now read a second time."—(*Mr. Magniac.*)

SIR MICHAEL HICKS - BEACH said, that the Motion for the second reading had been brought on at so late an hour in the afternoon, that the arguments in its support had been got over in a very hurried manner. Now he (Sir Michael Hicks-Beach) protested against a Bill of this importance being treated in such a manner, and against the arguments in its favour not being amply stated. As one of those who opposed the Bill, he felt that, if the change it proposed were to be made at all, it ought to be made upon the authority of the Government, and not at the instance of private Members. He felt it to be his duty to move the rejection of the Bill for several reasons. The statement that confused accounts were kept at present furnished an argument against rather than in favour of the Bill, because the manner in which the accounts were kept was a matter of no importance except to those who received the fees. If the Justices' clerks kept confused accounts now that they were personally interested in their correctness, might not the Bill open a door to mistakes, and possibly to fraud upon the counties or boroughs, which could not be committed now because the authorities were in no way interested in the amount of the fees, and therefore had nothing to do with the keeping of accounts relating to them. He doubted very much whether the administration of justice at petty sessions would be improved by the proposed change. At present, in the event of a committal, the clerk was paid according to the number of depositions, and he had a direct interest in taking as many as possible, and, therefore, in seeing that the case was made out clearly; but if the clerk were paid by salary he would have no such interest, and there would be great risk of his duty being discharged

in a perfunctory manner. If prisoners were committed for trial without full depositions being taken, the result might be the failure of prosecutions which would have succeeded under the present system. But his main objection to the Bill was that the proposed change was likely to place an additional burden on the county rates. He admitted the individual hardship of such cases as had been put, in which the costs were so exceedingly disproportionate to the penalties imposed; but such cases only proved the necessity for a revision of the existing scale of fees. If the fees were revised as they ought to be, and adapted to the circumstances of these petty cases, there would be no hardship in exacting the costs as at present. If that was done, where was the necessity for this change? But the arguments of the supporters of the Bill implied that there would be a very considerable remission of fees in the future, in the case of poor persons or of persons guilty of trivial offences. If the salary of a clerk was fixed upon an average of fees received in the last three years, and if many fees were remitted in the future, the salary would be in excess of the fees received, and the balance would have to be paid by the ratepayers. That would be a charge of a new description, because the county ratepayers were not now legally liable in any way for the salaries of clerks to Justices, unless their representatives at quarter sessions of their own free will adopted the permissive Act. This Bill would make the permissive Act compulsory, and it would impose upon the already overburdened ratepayers a charge for the administration of justice, the cost of which hitherto had not been met out of local rates. If it were preferred to pay clerks by salaries, the magistrates were at liberty to make the change now; but though the permissive Act was passed more than 20 years ago, it had been adopted by no more than five counties in England and two in Wales, with the result that in four cases the rates were burdened, and in three the counties were gainers. In one the tender-hearted justices had remitted within a year no less than £500 in fees. More than 150 boroughs in England and Wales still paid their clerks by fees, and only 24 paid them by salaries. The proposed change, therefore, was clearly in opposition to public opinion; and, for the reasons he had stated,

he moved that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(Sir Michael Hicks-Beach.)

MR. SCLATER-BOOTH said, he thought that so important an officer as a magistrate's clerk might well be paid by salary; but still the change proposed was one of great importance, and would certainly carry with it a claim which could hardly be gainsayed for superannuations. It was worthy of consideration, that as the matter now stood there was no book-keeping between the clerks and the county, whilst possibly under the new system there would be expensive book-keeping. A system of stamps, however, might remedy this. No doubt, as a general rule, the proposed change would place a burden upon counties, and it had hitherto been contrary to our practice to place such charges upon counties. He should have preferred that the Government should have taken up the subject.

VISCOUNT MAHON supported the measure, because he thought that in many cases under the present system justice had miscarried. He had known a case where a man had been fined 1s. and 19s. costs. In those counties where the permissive Act had been adopted there had, upon the whole, been a saving, and Surrey gained £300 a-year by the change. He cordially approved of the measure.

MR. HUNT said, he was sorry to differ from his hon. Friend who had moved the rejection of the Bill (Sir Michael Hicks-Beach); but in so doing he acted upon his own experience. The question was, whether it was desirable that the legal advisers of the magistrates in petty session should have any pecuniary interest in the cases which came before them. He believed it was not, and on that ground he should support the Bill, which, however, would require to be amended in details. The payment of fees by stamps under the Local Stamp Act would facilitate its operation. Salaries had been paid for two years in the county of Northamptonshire; the county gained one year and lost the other, and the two years had nearly balanced each other. He had not heard that there had

been any lack of attention to their duties on the part of the clerks. He advised his hon. Friend not to press the Amendment; but to assist in making the Bill as perfect as possible.

Mr. WINTERBOTHAM, reserving what he had to say until the Bill got into Committee, stated that the Government heartily approved its two objects—compulsory payment by salaries instead of fees, and compulsory revision of the table of fees.

Mr. PELL said, he thought that the subject had not received so full attention as it merited.

Question proposed, "That the word 'now' stand part of the Question."

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till To-morrow.

COUNTY COURTS (SMALL DEBTS) BILL.

On Motion of Mr. BASS, Bill to abolish Plaints in County Courts for Debts under forty shillings for goods sold and delivered, ordered to be brought in by Mr. BASS and Mr. WILLIAM FOWLER.

Bill presented, and read the first time. [Bill 85.]

CORRUPT PRACTICES AT MUNICIPAL ELECTIONS BILL.

On Motion of Mr. JAMES, Bill for the better prevention of Corrupt Practices at Municipal Elections, and for the establishing of a tribunal for the trial of the validity of such Elections, ordered to be brought in by Mr. JAMES, Mr. WHITBRAD, Mr. CROSS, Mr. LEATHAM, and Mr. RATHBONE.

Bill presented, and read the first time. [Bill 86.]

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 14th March, 1872.

MINUTES.]—PUBLIC BILLS—Second Reading—Life Assurance Companies Acts Amendment * (40).

Report—Ecclesiastical Courts and Registers (15-50).

Third Reading—Bank of Ireland Charter Amendment * (37), and passed.

ECCLESIASTICAL COURTS AND REGISTRIES BILL.—(No. 15.)

(*The Earl of Shaftesbury.*)

REPORT OF THE AMENDMENTS.

Order of the Day for receiving the Report of the Amendments, read.

Moved, "That the Report of the Amendments be now received."—(*The Earl of Shaftesbury.*)

Mr. Hunt

THE MARQUESS OF SALISBURY said, that before the Report was received, he wished to make one or two observations respecting the commercial aspects of the Bill—a point which had not, he thought, yet been considered by their Lordships with the care it deserved. It was natural that this should have been the case, because in matters of finance their Lordships looked to the Government for some well-defined resolution; but in this instance they seemed to have no opinion upon it, and, indeed, had left it to take its chance whether it might turn out right or wrong. He cast no reflection on his noble Friend (the Earl of Shaftesbury), for either the intention or the spirit with which he had introduced the Bill. He sympathized with his noble Friend as to the present state of ecclesiastical law, and quite agreed that a remedy was required for the evils which his noble Friend wished to put an end to. But he was afraid that remedy was not found by a Bill with the financial basis of the measure now before their Lordships. The state of the financial question involved in the Bill was simply this. According to the calculations of the noble Earl the funds necessary for the working of the Bill was £32,000. He (the Marquess of Salisbury) believed that to be a very low calculation. Now, how was that sum to be raised? His noble Friend had placed his reliance upon the marriagefees, but said that they being given up there would still be enough to pay the working expenses of this Bill. Now, he (the Marquess of Salisbury) would ask the House to consider what these fees were, and what prospect of permanence they had — because this was important when it was proposed out of the fees to pay the salaries of the chancellors and registrars. If the marriage fees were put aside, he was afraid there was no solid foundation to rely upon. His noble Friend proposed to pay all the Judges, chancellors, registrars, and apparitors by salary and not by fees. Hitherto those functionaries had been paid by fees, and had taken their offices subject to all chances in respect to the amount of these fees; but when, under this Bill, all the fees were taken and put into a common fund, and these functionaries were told that each of them would be paid a fixed annual sum as salary, calculated on the amount of fees received by them in previous years, they would

look forward to that salary, and they could not be cast off, should it turn out that the fees were not sufficient for the payment of the salaries. Leaving the marriage fees aside, from what sources were the other fees derived? It was said to be made up in this way—First, there were the visitation fees, amounting to about £10,000 a-year. These were originally paid out of church rates; but when these rates were abolished, by some oversight, no provision was made for the payment of visitation fees from any other source, and the churchwardens had no funds out of which to pay them. What they were paid for did not in reality represent any service done for the parishioners, and though they amounted to only about 18s. on a parish, the work in connection with which they were supposed to be paid could be done without them. No doubt, in many cases, from mere habit, the ecclesiastical officers having persuaded the churchwardens that they were still payable, they had continued to be paid; but from a printed Return it appeared that the number of parishes in which they could be levied was falling off, and that in the first year after the abolition of church rates, out of a sum of £298 due from parishes, only £106 had been received. This, too, was when churchwardens were not fully awake to their altered position. If any person imagined that churchwardens in country parishes would go on paying visitation fees out of their own pockets to ecclesiastical officers for services which were not, in fact, performed, that person had a different idea of a British farmer from any that he (the Marquess of Salisbury) had been able to acquire. Next there was a sum of between £3,000 and £4,000 to be derived from consecration fees. Now, the only one who really did any service on the occasion of a consecration was the Bishop, and if the money paid went into the Bishop's pocket he would not object; but of the £13 or £14 paid in fees, none went to the Bishop—it went to the chancellor of the diocese who did nothing, and the secretary and registrar and apparitor who did nothing likewise. Consecration fees were paid when a church was restored or a church-yard increased in size. He believed that the duty of the apparitor was to walk before the Bishop and hold a mace, and that this dignified official was generally the Bishop's valet. Now, he did not

think it likely that money paid for carrying a mace and for other work of that kind, which was in no degree necessary, was likely to be paid when the individuals to whom nominally it was to be paid had no interest in recovering it, and those functionaries would have none when they were paid by salary. How, then, were those fees to be recovered? The Bill provided that they were to be recovered by proceedings in the County Courts. But who was to pay the expenses of recovering them; who was to issue the plaint in each case? The chancellors, secretaries, registrars, and apparitors were interested in those fees, now that they went into their pockets; but if any person expected that they would enter into a course of expensive litigation to recover them, when they did not go into their pockets, that person's estimate of human nature was again different from any that he had been able to form. He had been assured that the duties of one diocesan chancellor had already become so disagreeable to him that he had determined to give up going with visitations and always meeting with indignant churchwardens asking—"Out of what fund are we to pay you?" He had been further informed that the Bishop of Worcester, feeling the hardship of his valet making a charge, was going to dispense with the services of an apparitor, and to leave the mace out. In Manchester they were not charged; and in Oxford and other dioceses they were frequently remitted. He did not hesitate to say that the £10,000 for visitations and the £3,000 or £4,000 for consecrations were not to be relied on. He now came to a sum of £10,000 raised by fees levied on the clergy. If this Bill passed, the clergy were to be asked to pay a Judge and furnish the machinery of a Court to punish themselves. He remembered that at Eton the boys were charged for the birch-rods to be used in chastizing themselves; but he thought a curate would hardly like to pay on his induction, fees necessary for the payment of a Judge to punish a clergyman in another diocese, and necessary for the maintenance of Ecclesiastical Courts whose machinery and proceedings he equally abhorred. If these fees were taken away, he feared the total amount to be received would not, at best, amount to more than £18,000, or, perhaps, not more than £11,000 or £12,000. It really

nothing, and the feeling of resentment against the fees would rise to such a height that they would be extinguished altogether. On the other hand, if the evil were remedied in time he believed they would be cheerfully submitted to. He hoped that the present system would be carried on under a great reduction of expenditure.

THE BISHOP OF LONDON stated some objections to the provisions of the Bill, one being that while all suits were to be commenced in the provincial or diocesan Courts, no provision was made for putting these Courts in motion. He also pointed out that in consequence of the Ecclesiastical Procedure Bill having been thrown out on the Amendment of the Bishop of Peterborough, great difficulty as to the institution of proceedings would be experienced, if some Amendment to settle that matter were not introduced in the Bill now before their Lordships. Should this Bill be passed, it would be difficult to say whether procedure was to be under the Clergy Discipline Act or under this Act.

LORD CAIRNS said, that two questions of great importance had been raised, and he thought their Lordships would desire more express information in answer to those questions. First, in reference to what had been said by the right rev. Prelate, he had taken the liberty of pointing out in Committee, that the last clause but one in this Bill repealed the Clergy Discipline Act, and they were landed back on the state of things which had existed before the passing of that Act. He did not know whether their Lordships desired that to be one of the results of this Bill; but it was a very serious matter, and he doubted whether the country was prepared for it. Did his noble Friend who had charge of this Bill see what the consequences would be? He believed that before the Clergy Discipline Act was passed, the state of the law was generally understood to be this—that the "Office of Judge," as it was called—that was, the Bishop, might be put in motion by anyone who came before him, and gave the necessary security for costs. He (Lord Cairns) did not say that was really the state of the law, but that was what was generally understood to be the state of the law. Well, then, if this Bill were passed, and the Clergy Discipline Act were repealed, we were landed back on the old state of the

law, and every Bishop would be liable to be put in motion, whether he liked it or not by any person, whether a parishioner or an inhabitant of the diocese, or a person outside both. That was a serious consequence. Speaking frankly, he deeply regretted the decision arrived at by their Lordships on the Procedure Bill proposed by the noble Earl (the Earl of Shaftesbury). He believed that that Bill would have been conducive to the results they all desired to arrive at—although, at the same time, he thought that had the Bill been read a second time, some alterations would have had to be made in Committee. He thought it would have been better to give the power of calling on the Bishops to institute proceedings not to three householders in the diocese, but to three householders of the parish. Then there should have been a careful provision as to security for costs; and it might have been well in questions of false doctrine, to have given the Archbishop a voice as to whether there was evidence to support the charge. The second was as to finance. Certainly, when a similar Bill was in Committee, the question of finance was raised. He concurred with his noble Friend (the Marquess of Salisbury) in thinking the financial basis of the Bill unsound. As to what the noble Earl had said of a Commission having recommended the retention of marriage fees, if they could be appropriated to good purposes, he could only say that was not the view of the last Commission—the one on which he had served, and the Report of which had been referred to by the noble Marquess. That Commission was entirely of opinion that those fees should not be maintained on their present scale, and that they ought to be reduced to the lowest possible figure. However, he understood that the noble Earl did not intend to rely upon them, and, therefore, he should apply himself to the other fees. The working of this Bill would require £32,000 a-year, and a like sum would be required for getting the Bill to work. The first observation he had to make was, that this put an end to all idea that anything in the Bill would lead to a reduction of those fees which were irksome to those who paid them. His noble and learned Friend (Lord Westbury), on a former occasion, entertained a different opinion, because he said the Bill would inevitably lead to a

Clause 17 (Judge to be an Ecclesiastical Commissioner, and if a Privy Councillor to be a Member of the Judicial Committee).

THE MARQUESS OF SALISBURY moved to omit the following words from the end of the clause:—

"And when required, such Judge shall, if a member of Her Majesty's Most Honourable Privy Council, act as a member of the Judicial Committee, except on appeals from the judgments or orders of the Provincial Courts of Canterbury and York."

The effect of the Amendment would be to provide an additional Member for the Judicial Committee of the Privy Council, and do civil work for India, the Colonies, and the Admiralty. The new Judge would cost nothing; but he thought the salary—which would not exceed £3,000—ought to be paid by the State—it was unjust to take the money of the Church to pay for legal work of that kind. He thought it very unwise to seek a "cheap" mode of administering justice. They had examples of the system of cheap Judges in a country speaking the same language with ourselves, and the opinion of civilized communities was that they had not answered; and he thought that, judging by a recent event, it had proved not altogether advisable to provide "cheap" Judges for the Privy Council.

After a few words from the Earl of SHAFTESBURY,

Amendment agreed to; words struck out.

Clauses 36, 37, 38, and 39 (which provide that clerks convicted of felony or misdemeanour in a temporal court may be suspended or deprived of ecclesiastical preferment).

THE EARL OF SHAFTESBURY moved to omit these clauses, for the purpose of inserting others in the form sent down by the Select Committee. The noble Earl said that in doing so, he wished it to be understood that he was acting Ministerially.

Motion agreed to; Clauses struck out, and other clauses inserted in lieu thereof.

Clause 68 (Bishop's registers more than fifty years old to be transferred to the custody of the Master of the Rolls).

THE ARCHBISHOP OF CANTERBURY hoped that the records at Lambeth Palace would be excepted. They were properly cared for in the Palace Library.

LORD ROMILLY said, he had no objection to the proposed exception. He would draw up a clause which he would submit to the most rev. Prelate, to be inserted on the third reading.

THE BISHOP OF LICHFIELD asked that the records at Lichfield also be excepted.

THE LORD CHANCELLOR believed it was most desirable that some steps should be taken for the better preservation of the Bishops' registers, but he could not agree with the course proposed by the clause.

LORD ROMILLY explained that his object in promoting the clause was to get together in a convenient and accessible place the Bishops' registers, in order that any one might pursue that species of inquiry which his noble and learned Friend had admitted was a very useful one. He must, therefore, press the clause to a division.

After short further discussion,

LORD ROMILLY said he was willing to withdraw the clause, and offer it in a more satisfactory form on the third reading.

Clause struck out.

Clause 69 (Parochial registers upwards of twenty years old to be transferred to the custody of the Master of the Rolls).

THE DUKE OF RICHMOND said, he wished to see the clause expunged. He regretted that it had escaped his notice at an earlier stage. Since the second reading of the Bill he had received communications from clergymen in all parts of the country expressing their disapproval of its provisions. The Bill set forth that at the present moment the registers of births, deaths, and marriages, in the various parishes were "difficult of access and inconvenient for consultation." This might or might not be the fact; but, in any case, if the documents were difficult of access and inconvenient for consultation while they remained in the parish where lived the great majority of the people who would ever wish to consult them, the inconvenience would be increased by their removal from, say, Yorkshire, Sussex, or Northumberland, to London. In the interest of the labouring classes, therefore, he opposed the proposal to send these registers to London. The clause made it by no means clear what was in-

tended to be sent to London for preservation. It stated that "the registers" should be sent; but these consisted of entries made in books, and there was no reference to the transmission of the books themselves. This was a small objection, no doubt, as compared with the larger one that inconvenience would be imposed upon persons who could ill afford it.

LORD ROMILLY thought that if the Bill provided that no registers should be sent up until they were 50 years old the inconvenience to which the noble Duke referred would not arise, or, at any rate, would arise very seldom. In 1597 Queen Elizabeth decreed that each year's parochial registers should be transmitted by the clergy of the various dioceses to their Bishops; but as this was not properly done, though frequently ordered, it was enacted in 1812 that copies on parchment of the entries should be made and sent to the diocesan registry. For a few years this was done; but as there was no power to enforce compliance with the enactment it soon fell into disuse, and he knew cases where for many years no copies were sent. During the last two years he believed the enactment had not been complied with at all anywhere. Further, the present mode of keeping the registers afforded facilities for their falsification and mutilation, which might be attended with very serious consequences as far as the preservation of the rights of property was concerned.

Clause struck out.

EARL BEAUCHAMP moved to insert clauses providing that suits against Bishops for offences against the laws ecclesiastical shall be instituted in the Metropolitan's Court of Audience, either by the Bishop of his own motion, or by twenty-one members of the Church, being inhabitant householders within the diocese. The suits against Bishops to be conducted in like manner as the proceedings in the provincial courts against clerks.

THE BISHOP OF LICHFIELD approved the principle of the clauses.

THE ARCHBISHOP OF CANTERBURY did not think the present state of things would be improved by the adoption of these clauses. There were two Courts of the Archbishop as Metropolitan—namely, the Court of Arches and the Court of Audience, and the Archbishop had in old times the power of bringing a case within

The Duke of Richmond

his own jurisdiction by removing it from the former to the latter Court. Few people knew what the Court of Audience was in former times, and at the present day it was, he believed, practically non-existent.

THE LORD CHANCELLOR suggested that it was not desirable to revive an antiquated piece of machinery in order to tack new machinery to it.

EARL BEAUCHAMP withdrew the clauses.

Clause 117 (Repeal of 3 & 4 Vict., c. 86, with the exception of s. 16).

THE EARL OF SHAFESBURY said, he did not care whether the clause were retained or not, so confident was he of the sufficiency of the common law for the object in view.

THE MARQUESS OF SALISBURY said, under those circumstances, he would move that the clause be struck out.

THE BISHOP OF LONDON pointed out the consequences involved in omitting the clause, and leaving the Church Discipline Act in force.

THE LORD CHANCELLOR was understood to call attention to the inconsistency involved in leaving the Church Discipline Act in operation and passing, as it stood, Clause 32 of this Bill, which says that no jurisdiction shall be exercised with respect to the correction of clerks in Holy Orders except by the Courts and by the persons mentioned in the Bill.

After further conversation,

Amendment agreed to.

Clause struck out.

Bill to be read 3rd on *Thursday* next; and to be printed as amended. (No. 50.)

House adjourned at Eight o'clock,
till to-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, 14th March, 1872.

MINUTES.] — SELECT COMMITTEE—Tramways (Metropolis), nominated.
SUPPLY — considered in Committee—SUPPLEMENTARY CIVIL SERVICE ESTIMATES.
Resolutions [March 11] reported.
PUBLIC BILLS — Ordered — First Reading — Mutiny*.

First Reading—Irish Church Act Amendment* [87].
Second Reading—Oyster and Mussel Fisheries Supplemental* [76]; County Buildings (Loans)* [84].
Committee—Parliamentary and Municipal Elections [21], and Corrupt Practices [22]—n. p.
Withdrawn—Game and Trespass (No. 2)* [80]; Game Law (Scotland) Amendment* [40].

WATER SUPPLY (METROPOLIS).

QUESTION.

MR. KAY-SHUTTLEWORTH asked the hon. and gallant Member for Truro, Whether (under the 8th Clause of the Metropolis Water Act of last Session) the Metropolitan Board of Works have made or are about to make application to any of the Water Companies, requiring them to give a constant supply of water in any districts of the Metropolis, seeing that the six months named in the statute have now elapsed?

COLONEL HOGG, in answer to the Question of the hon. Member, reminded him that before the companies could be compelled to provide a constant supply of water the regulations as to fittings, according to Section 10, were to be in operation. The companies issued their proposed regulations a few weeks since. These were at once considered by the Metropolitan Board, and placed before an engineer of great experience in such matters for his opinion as to their fitness; he had already made a preliminary report, which the Metropolitan Board had submitted to the Board of Trade, with a request that a full opportunity might be allowed for the complete and most careful examination of the regulations. The importance of such an examination would be obvious, as the question of these regulations went to the very root of the subject.

THAMES EMBANKMENT BILL.

QUESTION.

MR. RAJESK asked the First Lord of the Treasury, Whether, having regard to the declaration recently made by him as to the duty of Ministers in conducting Bills affecting the rights of the Crown, he will feel it his duty to advise the withdrawal of the Royal Consent from the Thames Embankment Bill in the event of any limitation of the rights of the Crown being introduced in Committee of either House of Parliament?

MR. GLADSTONE: I think, Sir, the hon. Member has put his Question to me under a misapprehension. He supposes that I have said, that I have given an opinion that, in the event of any alteration being made in a Bill affecting any rights of the Crown, it would be the duty of the Government to advise the withdrawal of the Royal Assent from it. I have not said anything of that kind. My meaning with regard to the Ewelme Rectory Bill was simply to convey that, if such a construction were attached to the particular alteration referred to, as had been contended, I should have advised the Crown not to assent to the Bill. With respect to the general question of the rights of the Crown, I need not say it is a matter of importance, as to which responsibility rests in the hands of the Government; and a great many considerations must be taken into view before it is possible to give an answer in a particular case. If the hon. Gentleman asks me with regard to the Thames Embankment Bill, my answer is that there is no foregone conclusion in the minds of the Government on that subject. If I knew what alteration would be made in the Bill, I should be prepared to consider it and give an answer.

RECTORY OF EWELME.—EXPLANATION.

MR. GLADSTONE: I think it fair to give an explanation to the right hon. Gentleman the Member for the University of Oxford (Mr. Mowbray), as to a matter on which my memory did not serve me the other night. The right hon. Gentleman asked me with respect to the delay that arose in the appointment of Mr. Harvey as Rector of Ewelme. I find that I did propose the appointment to two distinguished Oxford gentlemen who were members of Convocation; but they successively declined it before I offered it to Mr. Harvey.

GRAND JURY PRESENTMENTS (IRELAND) BILL.—QUESTION.

SIR HERVEY BRUCE asked the Chief Secretary for Ireland, Whether he will postpone the Second Reading of the Grand Jury Presentments (Ireland) Bill till Monday April 22?

THE MARQUESS OF HARTINGTON, in reply, said he proposed to take the Bill on Monday, the 8th of April; but if anything should prevent his doing so, he

should have no objection then to postpone it to the day named. He would communicate on the subject with the hon. Baronet and other representatives of Ireland before Easter.

IRELAND—LANDLORD AND TENANT ACT—THE IRISH BOARD OF WORKS. QUESTION.

SIR HERVEY BRUCE asked the First Lord of the Treasury, Whether his attention has been called to the case of the late tenants of the Marquess of Waterford who have been unable to obtain from the Irish Board of Works the money to purchase their farms, as contemplated by the Landlord and Tenant Act; and, if so, whether he will endeavour to remedy the position of those tenants who purchased on the faith of that Act; and, whether he will object to lay upon the Table of the House a Copy of the authority that compelled the Board of Works to refuse the loans, which by its printed forms it appears to be legally entitled to advance after purchase by the tenant?

MR GLADSTONE, in reply, said this was a subject on which the hon. Member for Kilkenny (Sir John Gray) had previously asked a Question, and he was glad that further attention had been drawn to it. There was no doubt that in consequence of the forms that were issued by the Board of Works in Ireland some tenants intending to become purchasers were misled into the belief that they could obtain advances under the Act, even if they made no application until after they had made their offers and concluded their transactions. The Government had in consequence to consider the subject, and they were decidedly of opinion that it would not be expedient, nor would it be according to the intention with which the Act was proposed and, he believed, adopted, that they should recognize as a rule for the future, the right of the tenants to apply for loans after the completion of their purchases, not on the ground of a desire to narrow or cripple their operations, but because it would be for the advantage of the tenants that their applications should be made for loans prior to the purchase. With respect to those who had acted on the faith of the notice of the Irish Board of Works, it was proposed to bring in a Bill to meet their case, because the Go-

vernment thought they ought to be borne harmless from any inconvenience arising from what they thought a reasonable construction of the notice. Under these circumstances he did not think it necessary to present the Papers referred to by the hon. Baronet.

METROPOLIS—PUBLIC HEALTH BILL—PORT OF LONDON.—QUESTION.

LORD ROBERT MONTAGU asked the President of the Local Government Board, How he proposes to fill the blank in Clause 19 of the Public Health Bill; whether the Port of London extends from Cricklade to the Nore; and, what sanitary authority he proposes to put over the Port of London, or whether it will be the Commissioners of the River Thames, under whose jurisdiction the whole river basin or watershed is now placed; and, if so, whether he intends that such an authority should govern other ports (as Falmouth), which are many miles in length?

MR STANSFIELD said, in reply, that the present limits of the Port of London were, eastward, far beyond the Nore, and westward practically as far as Teddington Lock. As to the blank in the Public Health Bill with reference to the Port of London, he intended to fill it up by indicating in the clause itself the body which should be the sanitary authority for the Port of London. As to the other ports, he proposed to take power to constitute any local sanitary authorities the port sanitary authorities under the Bill, after inquiry had been made into the exigencies and conditions of those ports. As to the metropolis, it might probably be thought desirable that the sanitary authority should be fixed by the House, and not by the Local Government Board, and it was on that account that he had left a blank in the Bill, in order that he might have an opportunity of ascertaining the opinion of London on that subject.

CANADA—INTERCOLONIAL RAILWAY FROM QUEBEC TO HALIFAX. QUESTION.

MR WHATMAN asked the Under Secretary of State for the Colonies, Whether he has any information how far the Intercolonial Railway from Quebec to Halifax is advanced, and when the whole

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of it will be opened for traffic under the British Guarantee of 1867; and, whether he has any objection to lay upon the Table the Correspondence which sanctioned the Canadian portion of the line in 1852?

MR. KNATCHBULL-HUGESSEN, in reply, said, he had not the precise official information which he could wish as to how far this railway was advanced; but he believed he was correct in saying that it would be opened from one end to the other for the use of the public before the close of next year. If the hon. Member mentioned precisely what portions of the Correspondence he desired to see laid on the Table of the House, he would consider whether it could be done.

ARMY—OFFICERS OF THE MILITIA.

QUESTION.

MAJOR ARBUTHNOT asked the Secretary of State for War, Whether the limit of age at which officers joining the Regular Army from the Militia is to be the same as in the case of those joining from the Universities; and whether, that limit having been reduced from twenty-three to twenty-two years under the Warrant of 1st November 1871, special exception will be made in favour of those who were appointed to the Militia prior to that date, and are otherwise qualified, enabling them to join at the more advanced age?

MR. CARDWELL, in reply, said, he thought the case referred to was a very fair one for consideration. He would see whether the privilege could be given to these officers without infringing unjustly on the rights of others.

ASSESSMENT OF GOVERNMENT PROPERTY TO LOCAL RATES.

QUESTION.

MAJOR DICKSON asked the First Lord of the Treasury, If it is the intention of the Government to introduce a Bill this Session to make Government Property assessable to Local Rates?

MR. STANFIELD said, he had a Bill drafted which proposed to repeal all exemptions from local rating, including Government property, but he was unable then to state the exact day on which he would ask leave to introduce it.

CIVIL SERVICE ESTIMATES.

QUESTION.

MR. ASSHETON CROSS asked the Secretary to the Treasury, When the Civil Service Estimates will be presented to the House?

MR. BAXTER: Next week.

TREATY OF WASHINGTON—TRIBUNAL OF ARBITRATION.—QUESTION.

MR. DISRAELI: I rise, Sir, for the purpose of asking the right hon. Gentleman, Whether Her Majesty's Government have received any answer from the Government of the United States to the "friendly" communication they have addressed to that Government; and, if so, what opportunity will be given to Parliament to become acquainted with its contents?

MR. GLADSTONE: I have, Sir, no official information to give to the right hon. Gentleman on the subject. But as several journals have referred to the matter, with the observation that the Despatch of the American Government is in our hands, I wish to say that they are in error. As far as I know, the Despatch was received in London this morning, and is in the hands of the American Minister. Beyond that, I have no information at present.

PARLIAMENT—GRANTS OF PUBLIC MONEYS—STANDING ORDERS.

MR. MONK rose, in pursuance of a Notice he had given, to call the attention of the right hon. Gentleman in the Chair to a point of Order. On the 5th of March, when the hon. Member for Galway (Sir Rowland Blennerhassett) obtained leave to introduce a Bill for the purchase of Irish Railways, he (Mr. Monk) submitted to the judgment of the Speaker whether the hon. Gentleman should not have proceeded in Committee of the Whole House, and the decision of the Chair was, that the question could not be solved until the Bill was before the House. He found now from a Copy of the Bill that it contemplated the purchase of the Irish railways at a very considerable expense to this country. According to the Standing Orders of this House with respect to the application of public money, it appeared that this House would receive

no Petition for any sum relating to public service, or proceed upon any Motion for charge upon the public expenditure, whether out of the Consolidated Fund or out of moneys to be provided by Parliament, unless a consent or recommendation was received from the Crown. And, accordingly, if any Motion was made in the House for any aid from the public Revenue, whether out of the Consolidated Fund or out of moneys to be provided by Parliament, the consideration and debate thereon should not be presently entered upon, but should be adjourned until such further day as the House should think fit, and should then be referred to a Committee of the Whole House before any Vote could pass thereon. Now, he submitted to the judgment of the right hon. Gentleman in the Chair, that the hon. Member for Galway had taken neither the one course nor the other; he had neither moved in a Committee of the Whole House, nor did he produce any evidence of the consent of the Crown for any prospective grant of public money for the purchase of the Irish railways. In looking at the Bill, it appeared that a certain number of clauses were in italics, or in blank as it was called, and if the House went into Committee on this Bill, those clauses would be invisible to the eye of the Chairman of Committees. But in the Bill it was stated that it was expedient that the Board of Trade should be empowered to acquire, work, and maintain these railways in Ireland. He was aware that there was an apparent precedent. In 1847 Lord George Bentinck obtained leave to bring in a Bill to stimulate the prompt and profitable employment of the people by the encouragement of railways in Ireland, and that Bill contained no fewer than 18 clauses printed in italics, or, in other words, blank clauses, authorizing the advancement of £16,000,000 for the purposes of the Bill. He had not been able to find any decision by the Speaker of that day as to the propriety of the Bill being brought in otherwise than in a Committee of the Whole House. Lord John Russell said he should not oppose the introduction of the Bill, and then went on to say—

"I understand from the Speaker that in point of form, no objection exists to its introduction, provided it does not introduce those money clauses which would require a previous committee."—
[*3 Hansard*, clv. 808.]

Mr. Monk

That, no doubt, was apparently a precedent in point; but then the Bill was brought in under the Standing Orders of 1847, which differed materially from the Standing Orders of 1872. In 1847 it was not requisite that any Motion for public money should previously receive the consent or recommendation of the Crown. But in 1852 a Standing Order to that effect was passed, and subsequently, in 1866, his right hon. Friend the First Commissioner of Works (Mr. Ayrton) moved the two Standing Orders which now regulated the proceedings of the House. The Motion of his right hon. Friend was passed with the unanimous consent of the House, and rendered more stringent the rules with regard to Money Bills. The Standing Orders then adopted, not only imposed a restriction on Members of Parliament bringing in Money Bills, but also on their bringing in Bills which contemplated a future application to Parliament for grants of public moneys. He submitted, therefore, to the judgment of the right hon. Gentleman in the Chair that the hon. Member for Galway was not in Order in obtaining leave to bring in the Bill, and, subject to that judgment, he would move that the Orders of the 5th instant relating to a Bill for the purchase of Irish Railways be read and discharged.

MR. SPEAKER: In answer to the Question of the hon. Member, I will endeavour to explain the practice of the House in connection with the Standing Orders, to which he has now called attention. Whenever a Bill is introduced by which it is intended to authorize a charge upon the public Revenues, it is the practice, as he has stated, to print the money clauses in italics. Such clauses form no part of the Bill, as originally brought in. They are treated as blanks. Before any sanction is given to them the Queen's recommendation must be signified, and a Committee of the Whole House consider, on a future day, the Resolution authorizing the charge. Unless these proceedings are taken, the Chairman, under the Standing Orders, will pass over the money clauses without any question. Without such preliminary proceedings, the Bill, so far as the public money is concerned, is entirely inoperative. The hon. Member has called attention to a precedent of a Bill proposed in 1847 for encouraging the construction

of railways in Ireland. That, no doubt, is a precedent in point, to which I will not further advert, as the hon. Gentleman has brought it under the notice of the House. But there is another precedent, of a very remarkable kind, to which I wish to call attention. In 1868 a Bill was introduced to enable the Postmaster General to acquire, work, and maintain the Electric Telegraphs. The clause declaring that the moneys were to be provided by Parliament was printed in italics; and it was not until after the Bill had been read a second time and considered by a Select Committee that a Resolution was come to, in a Committee of the Whole House, authorizing the application of public moneys for the purposes of the Bill. It is for the House, and not for me, to determine as to the expediency of allowing such a Bill as that to which the hon. Member has called attention, to be introduced. The Bill is now before the House, and, having regard to the precedents I have quoted, I feel myself bound by usage and precedent to hold that there has been no infraction of the Standing Orders or the Rules of the House.

METROPOLIS—LEICESTER SQUARE. QUESTION.

LORD EUSTACE CECIL asked the hon. and gallant Member for Truro, Whether, considering that Leicester Square has now been for several years under the control of the Metropolitan Board of Works, the Board has as yet come to any decision upon the best manner of laying out the ground; and, if not, what prospect there is, within a reasonable time, of the railings outside being repaired, and of the plot of ground inside being put in order?

MR. BOWRING rose to a point of Order. Several complaints had been made, and he believed with reason, as to the practice which had grown up of late years, and was still increasing, of asking private Members, not Ministers, Questions connected with the position they held. Last year he was himself called upon to answer a Question of this nature, and out of a list of 13 Questions on the Paper to-day, two were addressed to the hon. and gallant Member for Truro (Colonel Hogg). He wished to ask whether this practice was in accordance with the Rules of the House?

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MR. SPEAKER: According to the strict Rules of the House such Questions are, no doubt, out of Order, because they do not relate to any Bill, Motion, or other subject-matter connected with the Business of the House. But it has been for many years the practice of this House to allow questions of public interest relating to the government of the metropolis to be addressed to members of the Metropolitan Board of Works, being Members of this House; and seeing that the Question proposed by the noble Lord is of public interest, I feel that I shall not be doing right in interposing to prevent him from asking the Question.

LORD EUSTACE CECIL said, he should have been quite willing to address the Question to the First Commissioner of Works; but he understood that his hon. and gallant Friend preferred it being put to himself.

COLONEL HOGG observed, that whenever any Member asked him a Question relating to the Metropolitan Board of Works he should be happy to answer it. In the present instance, the noble Lord was not quite accurate in assuming that Leicester Square had been under the control of the Board of Works during the last few years. It was believed that under the Act relating to gardens and enclosed spaces in towns they possessed such a control, and the Board accordingly took steps to put the Act in force; but proceedings were instituted against them, and in the case of "Tulk v. The Metropolitan Board of Works" (3 Law Report), it was decided that the Board could not deal with the Square as they desired. He was very sorry that the law had been so interpreted; but without further interference from Parliament, he did not see his way to remedy what he conceived to be a disgrace to the metropolis. The Board of Works had done all they possibly could in the matter. By the Central Railway Act of last Session, a street was authorised which would pass through part of Leicester Square, and on its completion it was probable that something might be done to remedy the present state of things.

**PARLIAMENTARY AND MUNICIPAL
ELECTIONS BILL—[BILL 21.]**

(*Mr. William Edward Forster, Mr. Secretary
Bruce, The Marquess of Hartington.*)

AND

CORRUPT PRACTICES BILL—[BILL 22.]

(*Mr. Attorney General, Mr. Solicitor General.*)

[*Progress 29th February.*]

Considered in Committee.

(*In the Committee.*)

**PARLIAMENTARY AND MUNICIPAL
ELECTIONS BILL.**

Clause 1 (Nomination of candidates
for parliamentary elections).

MR. NEVILLE-GRENVILLE moved, in page 1, line 14, before "eight," insert "not less than." Same line, after "borough," insert "two at least from each polling district, in the case of a county."

MR. W. E. FORSTER said, that last year the subject was a good deal discussed, and it was thought that eight electors were sufficient to insure a *bond fide* nomination. If the Act enabled any number to sign the nomination paper, the object of the Ballot would be defeated, because pressure would be put upon dependent electors to sign it. As to the proposal that two electors should belong to each polling district, it might be that a candidate acceptable to a majority of the electors could procure no votes in one or more districts.

Amendment negatived.

MR. GREGORY moved an Amendment, the object of which was to prevent the candidate from being put in nomination without his consent. The candidate could only withdraw, if nominated, after a certain time had elapsed, and by writing under his hand. But he might be placed in a very ridiculous position by being nominated without his consent, receiving hardly any votes, and being involved in election expenses in cases where some qualified assent to his nomination—though under totally different conditions—had been given. Under the present system, open nominations were allowed, and if a candidate were proposed the probability was that some one would step forward and state whether that had been done with his consent. If a man were absent from the country there could be no difficulty in leaving authority to give his consent to serve in Parliament, if elected, to some

agent who would use it for the purpose of giving the electors the necessary information.

Amendment proposed,

In page 1, line 15, after the word "nomination," to insert the words "and countersigned by the candidate or his agent authorised in writing under his hand."—(*Mr. Gregory.*)

MR. W. E. FORSTER pointed out that the question which the hon. and learned Gentleman had raised had been argued at considerable length last year, and that similar words to those which he now proposed had been rejected by a large majority. As he stated on that occasion, no candidate would be liable to expenses if he was unwilling to stand, unless any definite understanding were entered into on his behalf. Under the present law, any person could be nominated at an election, and he would not, he believed, be at liberty, if elected, to refuse serving his country in Parliament. All that he could do would be to inform the electors that he did not wish them to vote for him. It was true that the Bill would alter the existing practice by allowing a man to withdraw; but it was not, in his opinion, desirable that the House should go further. There were cases in which persons greatly pressed upon to serve their country ought not to resist nomination, and the constituencies should have a right to the representation of those whom they considered most fit, even though they might be absent from the country at the time of nomination. Had not such an arrangement existed Mr. Cobden would not have been elected for the West Riding of Yorkshire, as he was returned at a time when he could not communicate his willingness to serve.

MR. HUNT said, that now the proposer and seconder of a candidate might appear in the face of day and answer any questions with regard to his nomination which it might be desirable to put. Under the Bill, however, any ten gentlemen might go into a private room, hand a paper to the Returning Officer, and no one would have an opportunity of ascertaining whether the person whom they chose to nominate was willing to serve or not. A *bond fide* candidate might thus be subjected to a great deal of expense and the electors to a great deal of trouble, all because a man was put forward who never intended to sit in Parliament. The proposal of his

hon. and learned Friend was therefore, in his opinion, necessitated by the contemplated change in the law, and he hoped the right hon. Gentleman would consent to it.

MR. A. EGERTON asked who was liable to pay the expenses incurred under this Bill. In ordinary cases the candidate would be called upon to pay; but if he declined to stand, after what the Americans called a "bogus" nomination, would the expenses fall upon the Sheriff alone? He presumed so.

MR. W. E. FORSTER said, there was no means to prevent the possibility of there being "bogus" nominations; but under the Bill any candidate who did not wish to stand could give notice to that effect, and he would have at least two hours for doing so, which he had not under the present system.

MR. HUNT remarked that the Sheriff might at present call upon a candidate, or his proposer or seconder, to give security for the costs; but if matters were to be conducted in a room which was essentially private, there would be no means of ascertaining who the responsible persons were. The whole thing would be involved in mystery.

MR. HERMON said, he thought the right hon. Gentleman the Vice President of the Council had not fully understood the proposition of the hon. and learned Member for East Sussex (Mr. Gregory), which related more particularly to the nomination of successful candidates who were really unwilling to serve, while the right hon. Gentleman's remarks appeared to refer to unsuccessful candidates. The question affected the constituency as well as the candidate.

MR. BOUVIERIE said, the objection of the right hon. Member for Northampton (Mr. Hunt) related to the clause itself rather than to the Amendment before the Committee. The force of the objection was no doubt directed against this sort of thing being done in a hole-and-corner way. That was the point raised by the clause, and it would have to be discussed when the clause itself came to be considered. What he wished now to mention was that a constituency had a right to elect any person they might choose although he might have known nothing about his having been put in nomination. His right hon. Friend the Secretary of State for War, he recollects, having lost his election

at Liverpool, was, without any communication with him, put up for Ayrshire, and was very nearly successful. The question, in his opinion, was one of the right of the electors, and that right ought not, he contended, to be taken away.

MR. CHARLEY said, that if the Amendment were not carried the candidate might be rendered liable to the expense of an election without his consent.

MR. W. E. FORSTER supposed the case of a man being elected while he was absent in Australia. There was under the present law a power belonging to the constituency of putting a man in nomination, and he thought the power ought not to be taken away. There was nothing in the present law to prevent a gentleman from being nominated at the last moment without his consent. It might sometimes be a hardship for a person to be elected under such circumstances; but, on the other hand, if the voters had such confidence in him to elect him when he was at a distance, it would be a hardship to them if they had not an opportunity of doing so, and even if he were at first unwilling to serve he might yield to the pressure which might be brought to bear upon him.

MR. PELL pointed out the inconvenience which would result from the nomination of a gentleman who happened to be abroad. According to the Bill he could not withdraw from the candidature unless by a writing signed by himself, and thus the other parties to the election might be kept for a long time in suspense. The Bill would have a tendency to create sham candidates.

MR. W. E. FORSTER said, that no doubt constituencies would evince their opinion of such conduct.

MR. CAWLEY admitted that if the Amendment was agreed to a man might be deprived of the advantage of being elected during his absence; but, taking all things into consideration, he thought the balance of evil was greatly on the side of the plan contained in the Bill.

MR. BERESFORD HOPE said, he thought that sham candidates would be set up simply for the purpose of diverting votes, and that those who proposed them would ballot for some other candidates.

MR. R. N. FOWLER said, he would remind the right hon. Gentleman (Mr.

Forster) that in 1859 the present Earl of Derby, then Lord Stanley, was nominated for the borough of Marylebone, without his consent, in opposition to two Liberal candidates, and that on a telegram being sent to him he replied that he had no intention of sitting for any other place than King's Lynn; the result being that the Liberal candidates were put to a considerable expense for nothing.

MR. LIDDELL considered it questionable whether constituents should at any time have been allowed to nominate a candidate without his consent; but such a proceeding would be particularly objectionable under the system of secret voting.

MR. MELLY observed, that a man might not always wish to give his consent to his own nomination. Let them take the case of a distinguished individual nominated and returned for a borough while he was a candidate for a county, and let them consider in what a position he would have been if he had signified in writing his willingness to be a candidate for the borough. By such a proceeding he would have lost his popularity in the county. In his opinion, it was sometimes desirable that a great statesman should have two chances of being returned to Parliament. The time might come when that would be as desirable for one side as for the other.

MR. COLLINS could parallel the instance given by the hon. Member for Stoke (Mr. Melly). The right hon. Gentleman the Member for Oxford University (Mr. G. Hardy) was, while a candidate for the University, nominated as a candidate for Leominster. It seemed hard on electors that they should be deprived of selecting the most eligible candidate, because the man of their choice might happen to be in America. The hon. Member for the Northern Division of the West Riding (Mr. Powell) was, within a week after his return from America, elected to support the right hon. Gentleman (Mr. Forster) in preference to another candidate, who was opposed to the Education Act. His own Colleague had been twice returned in his absence.

MR. DENISON said, he had placed the following Notice on the Paper:—Line 28, after "offence," insert—

"Provided, That the proposer of a candidate nominated in his absence beyond sea may with-

Mr. R. N. Fowler

draw his nomination, if accompanied, when made, by a declaration of the absence of the candidate out of the United Kingdom."

He looked upon this as a very important point. The late Lord Carlisle was proposed for Yorkshire in his absence. Great injury would be done if constituencies were deprived of the right of proposing candidates not within the limits of the United Kingdom.

MR. CHARLEY asked what remedy a candidate would have if put to the expense of a poll in his absence?

MR. W. E. FORSTER said, a candidate would not be liable for expenses incurred in his absence. The Returning Officer would look to his proposer and seconder.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 108; Noes 265: Majority 157.

MR. DENISON said, he had placed on the Paper three Amendments which hung together; and if the Committee negatived the first, the other two would fall to the ground. His object was to secure for Parliamentary elections something like publicity, deliberation, and the time for reflection which was afforded in the less important elections of members of school boards. He was well aware that his Amendments went to the principle of the clause, and that, if they were accepted, the principle of nominations as laid down by the Bill would have to be altered. The acceptance of them would also involve corresponding alterations in the rules appended to the Bill. By the clause as it stood the surest means were taken of rendering a contest inevitable in every county and borough. It was well known that the chief expense of candidates was incurred before the day of nomination, and not between the nomination and the poll; and he could not conceive it possible that, under this clause, anybody would have an interest in bringing about an arrangement between two eligible candidates, or in doing anything to prevent the constituency being subjected to the inconvenience and expense of a contest. In the election of members of school boards there was 14 days' clear notice, ten days for the nomination of candidates, eight days' advertisement of the names of those nominated, and six days during which withdrawals might be made. He wished to secure in Parliamentary elections a *locus penitentiae* for candidates who when no-

minated had not sufficiently considered their positions. Under the Bill as drawn a number of gentlemen would go to the Returning Officer's room, and within the short space of two hours they must make up their minds, without an opportunity of knowing who was to be pitted against them; and, without an opportunity of consulting friends and supporters, they must then and there incur the expense of a poll if they were not prepared to withdraw, because the Bill did not repeal the Act which imposed pecuniary obligation on those who went to the poll. What he asked for by these Amendments was a period of grace of five days before the nominations must be declared, four clear days for the Returning Officer to advertise the nominations; these four would give three clear days as a *locus penitentia* for candidates to withdraw or make up their minds to go to the poll, and one clear day afterwards before that fixed for the election. He could not see what were the objections to this plan. Nothing was to be gained by keeping the names of candidates from the electors, who, under the plan he proposed, would have more opportunity of considering what candidates they would support. It was certain that, under the Bill as it stood, every county and borough would be saddled with a contest. He had been told that the right time to make his objection was when the Question was put "that the clause do pass;" but he was under an apprehension that that time would be regarded as too late, and he therefore moved now the first of the three Amendments—namely, in line 15, after "delivered," leave out "during the time," and insert "five clear days before the day."

Mr. W. E. FORSTER said, he could not help thinking that the Amendment embodied an objection against the clause rather than one against the arrangements of the clause. Last year it was decided in Committee, by an overwhelming majority, that open nominations should be got rid of, and the necessary result of that decision was, that stringent precautions must be adopted to prevent some evils peculiar to the opposite system. The objection to the Amendment was, that it would prolong the election for five days, and that was *prima facie* an objection of very considerable force, unless there were very strong reasons for the Amendment. He was of

opinion that the proposition itself was open to great objection, and last year, after a very full discussion, the Committee came to the conclusion that the power of withdrawal should be limited to the two hours of the nomination. The chief reason was that, unless there was this limitation, it would be very possible that an interest in a constituency might find it utterly impossible to become represented at all, because its candidate might be induced to withdraw, and it would be impossible to nominate anyone else. It was absolutely necessary to guard against this danger, even although the precaution might involve some inconvenience to candidates. At present the law allowed of the nomination of a candidate up to the polling day; but with a system of written nominations it was necessary to limit the time during which a nomination could be handed in; and, if a candidate were allowed to withdraw, there was very great danger of a constituency being represented by a gentleman whom the majority did not approve.

Mr. HUNT said, he could not support either the Amendment or the clause as it stood. The restriction of the nomination of candidates to two hours was a restriction of the choice of the electors. At present 24 hours at least elapsed between the nomination and the poll, and any elector could vote for a person who had not been nominated at all. Mr. Burke was returned at the head of the poll for Bristol in that way. As the clause stood, however, should a candidate die between the nomination and the poll, his supporters, although they might be a large majority of the constituency, would not be able to propose anyone in his stead. Other circumstances, also—such as facts as to the character of a candidate—might render a fresh candidate desirable; and as, in some cases, six days might intervene between the nomination and the election, the death of a candidate was not an improbable occurrence. Unless this was provided for, a candidate, supported by only a small section of the constituency, might be returned without a contest.

Mr. ASSHETON CROSS said, that he desired to protest against that provision in the clause by which it was proposed that the nomination of the candidates should take place in a room, to

which only certain persons were to be admitted, so that the electors would know nothing about the proceeding. The result of that would be that in many cases a bargain would be struck, and the electors would find that, instead of being allowed to exercise their votes, the number of candidates ultimately nominated would correspond with the number of seats, and there would be no election at all. He should desire to restore a proviso in the Bill of last year, that the moment a candidate was nominated his name should be placarded outside by the Returning Officer.

MR. W. E. FORSTER said, this was one of the very few omissions from the Bill of last year. The nomination would very probably occur towards the end of the two hours, and the placarding of the candidates' names would then serve little purpose; but he had no objection to restore the proviso. The right hon. Gentleman opposite (Mr. Hunt) had really answered the hon. Gentleman (Mr. Denison), for it was obvious that any danger of compromises would be much increased by allowing five days for withdrawals. As the Bill stood, only a candidate himself was permitted to withdraw. He should be glad to consider the contingency of a candidate's death, and, if it appeared necessary, would provide for it; but to meet every possible event would be somewhat troublesome, and probably, were the present law sifted, many defects might be discovered in it. He thought nothing besides the death of a candidate need be considered, for care would naturally be taken by the supporters of candidates to secure their being duly nominated.

before their being duly nominated.

MR. W. JOHNSTON remarked that, though a candidate was to be allowed to withdraw, he would have no notice of his nomination.

Mr. W. E. FORSTER replied that this question had been decided by the last division. There might be some inconvenience in limiting the withdrawal to candidates personally; but greater inconvenience would be incurred in extending it.

MR. POWELL urged the propriety of allowing a longer interval than two days between the publication of the final list of candidates and the election. In remote parts of counties the electors would not have sufficient time to consider the claims of the candidates.

MR. W. E. FORSTER said, that was a point which would best be considered when the schedule was before the House.

MR. CAVENDISH BENTINCK complained of the extraordinary inconvenience which resulted from dividing the clause into two parts, the first involving the principle, and the details being embodied in the schedule. One important point arising out of the question before the Committee was, what was to be done if one of the candidates died or became incapable of acting after the nomination and before the poll? In constituencies returning one Member there would in such an event be nobody before the electors at all.

Mr. W. E. FORSTER replied that in such a contingency the electors would be no worse off than they were under the present law.

Mr. G. BENTINCK said, he would express no opinion as to whether great statesmen should have an opportunity of selecting between two constituencies; but if the experience of the future was like that of the past, great statesmen might not have an opportunity of selecting even one constituency. The right hon. Gentleman who had charge of the Bill said the House must not discuss these Amendments. ["No, no!"]

Mr. W. E. FORSTER: On the contrary, I said they should be discussed; but that Amendments should not be discussed before they were put from the Chair.

Mr. G. BENTINCK said, he thought the right hon. Gentleman ought to be extremely grateful to the Committee for discussing these Amendments in detail. This was a thoroughly impracticable Bill, and, if these discussions were not carried out to the utmost, he was afraid that nobody would be returned.

MR. CAWLEY said, he thought if public nominations were to be done away with it was important that the electors should know who were to be candidates.

Mr. W. E. FORSTER remarked that care had been taken to ensure publicity.

Amendment negatived.

MR. GOLDNEY moved, in line 16, after "officer," insert "or in his absence to his deputy to be appointed as hereinafter mentioned." The Returning Officer might be called away, and in the case of a riot or disturbance, it was most desirable that he should have the power of appointing a deputy.

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MR. W. E. FORSTER promised to look into the question before Section 8 was reached; but he would be chary in giving any deputy the full powers vested in his principal.

Amendment, by leave, *withdrawn.*

MR. ASSHETON CROSS, after the word "seconder" in line 17, proposed the insertion of certain words, the effect of which would be to insure the immediate publication of the names of any candidates who might be proposed during the period of nomination. He said his object was simply to revive a clause of the Bill of last year, and thus to take care that the electors should be sure that the persons in whom they took an interest were nominated.

MR. W. E. FORSTER asked the hon. Gentleman to postpone the Amendment until the Committee came to the schedule.

MR. GOLDNEY said, that unless the greatest amount of publicity was insured as to the candidates who might be proposed, the quiet of the proceedings would be interfered with, and much suspicion excited. There should be not only publication by the Returning Officer, but full power should be given to any other person to placard the names of the candidates, their proposers, and seconders.

MR. W. E. FORSTER promised to consider whether security would not be taken not only that the public should be informed of those who remained nominated at the end of the two hours, but also of those who were withdrawn.

MR. ASSHETON CROSS said, he would not press the matter now, but would merely read the clause in the Bill of last year which dealt with the point. It was this—

"The returning officer shall, on the nomination paper being delivered to him, forthwith publish notice of the name of the person nominated as a candidate, and of the names of his proposer and seconder, by placarding the names of the candidate and his proposer and seconder in a conspicuous place without the building in which the nomination is held."

He hoped the right hon. Gentleman would adopt this clause out of his own Bill of last year.

MR. HENLEY said, that publicity in some form or other was absolutely necessary, otherwise the door would be opened to all kinds of fraud, or, what was nearly as bad, the ~~s~~ ⁿ of fraud. If the public did no ~~were~~ ^o were the parties

to the nomination, when the nomination was legally concluded they would never believe that there was fair play. That would be a very unpleasant position for the Returning Officer to be placed in.

MR. COLLINS said, there would be an excited crowd outside the door waiting to know who was nominated. If they found that their own candidate was nominated, they would go away satisfied; if they did not, there would probably be riot and disturbance.

MR. W. E. FORSTER gathered that it was the feeling of the Committee that this publicity should be provided for, and would, therefore, undertake to introduce words to effect this object.

MR. ASSHETON CROSS said, he was quite satisfied with that assurance.

Amendment, by leave, *withdrawn.*

MR. BOUVERIE said, that before the hon. Member for Finsbury (Mr. W. M. Torrens) proposed the Amendment on the Paper, he wished to take the opinion of the Chairman on a point of Order. The hon. Member had given Notice of a Proviso—

"That no part of the expenses incurred by the returning officer should be chargeable to any candidate nor upon any local rate, but such expenses shall be defrayed in such manner as Parliament may hereafter direct."

He could not quite understand the meaning of the proposal; but wished to know whether it did not fall within the Standing Order already referred to this evening.

MR. CHAIRMAN: The Amendment of the hon. Member for Finsbury does not create or impose a charge, nor does it in terms provide that that charge shall be met out of moneys to be provided by Parliament. It may be that the hon. Member contemplates such a charge, and it may be that he may express the opinion that it is desirable that the charge should be provided for in that way; but the terms of his ~~Amendment~~ do not, as it appears to me, fall within the words of the Standing Order. Moreover, the terms of his ~~Amendment~~ are such that, even if they were ~~to bind~~, they do not bind or commit ~~the~~ ~~Parliament~~ to such a charge, ~~inasmuch as~~ ~~they exclude local rates and~~ ~~the charge upon the~~ ~~and~~ ~~exclude the possibility of~~ ~~being met out of~~ ~~the~~ ~~public monies~~.

Mr. W. M. PORRENS moved in page 4 line 20 after "mentioned," to

insert "or any other part of the expenses incurred by the returning officer shall be charged at the same rate and the same local rate but not less than the cost of such service or the amount of the charge levied by law."

Mr. A. J. H. said he was delighted to support Mr. Porrens. He believed that it was a matter which should be left to the discretion of the returning officer. He had no objection to the suggestion of the hon. Member for North-West Norfolk that the expenses of the returning officer should be charged at the same rate as the expenses of the election committee. He did not think that the expenses of the returning officer should be charged at the same rate as the expenses of the election committee.

Mr. G. R. D. said he was in full agreement with the hon. Member for North-West Norfolk. He thought that the expenses of the returning officer should be charged at the same rate as the expenses of the election committee. He did not think that the expenses of the returning officer should be charged at the same rate as the expenses of the election committee.

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the charges of the Returning Officers were £93,000, or double the amount which came under that head in 1865. Now, he ventured to predict that when an election came to be held under the operation of the Bill in 1873 or 1874, the charge would greatly exceed £100,000. Under the present system of open voting it was necessary to be done was to put by a strict account in which the voter might come and declare his whom he voted, and in which he could make him would perceive nothing in the face of his neighbour. Under the Bill the voter would be given a vote, treated carefully his separate requirements, a secret interest which had to be gone through and for which there must be submitted to him a full account. Then realising that he was to be accounted for will give the voter a degree of security and certainty. In fact, if a voter in seeing how the operation of the Bill was to affect him if he would entail a loss of £100,000, a general increase of the charge of the returning officer.

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adorned that House had been deterred from standing at an election because they thought they ought not to incur the expenditure to which they would at the outset be exposed. The tax, unlike almost every other, was one which in its incidence was most unequal. He would instance the case of 10 counties and 10 boroughs in which contests took place at the last dissolution. In the 10 boroughs the expenses of each candidate varied from £210 to £363. Those boroughs were Birmingham, Glasgow, Bristol, Merthyr Tydfil, Westminster, Dublin, Liverpool, Wednesbury, Marylebone, and Dundee. In the 10 counties the tax varied from £160 to £400 for each candidate. If, therefore, it were perpetuated, it should, at least, be made more equal in its incidence. But that was a very small part of the matter. The tax was a mulct, defended upon other grounds than those which were avowed. It was a tax notoriously kept up for a class purpose. It could not be perpetuated under the idea that Parliament was parsimonious with regard to the expenditure of public money. The people would not believe that it was retained merely to save the public Exchequer to the extent of £100,000. No one could be expected to believe in such a pretence. It was kept up for another reason than that which was avowed. The revising barrister and the Election Judge expenses incurred before and after an election were paid out of the Exchequer. Inside the house, the lights, the officers, and the presidency of the assembly were paid for from the same source, and why should not the taking of the poll be provided for in the same manner. As sure as they sat there, the charge on the candidates was condemned, and what were the alternatives? Last year the Government thought that the charge should be transferred to local rates, and so far he had their sanction in favour of relieving candidates; but one of their ablest supporters (Mr. James), objecting to the charge being placed on the local rates, proposed an Amendment, and carried it against the Government by 256 votes against 168. Let anyone look at the composition of the majority on that occasion, and ponder the reasons why more than 200 Ministerialists were on leave when the muster-roll was called, and then ask himself whether there was a chance of such a

decision being reversed in the present Session? The obvious fact that there was none, was the ground assigned by the right hon. Gentleman who had charge of the Bill for not having reinserted the clause. He knew perfectly well that there was no use asking the House to put the legal expenses on the local rates, and therefore Ministers did not propose it. But when they were asked to try the other and wiser alternative of Imperial taxation, Government then affected to fall back on the one which they confessed that they knew was not within their reach. His hon. Friend (Mr. Fawcett) consistently stuck to his text, and gave Notice of moving the lost clause in favour of charging the cost on the rates; and Government, he was informed, intended to offer, instead of supporting the present Amendment which they could carry, to vote for that which they knew and declared they could not. What were they to think when they saw Her Majesty's Fleet, with guns thrown overboard, offering to be taken in tow by the fire-ship from Brighton, from which, on every other occasion, they took care to keep a wide offing. Hon. Members should seriously consider whether it was better to throw the expense of elections on £110,000,000 of rateable property, or on £350,000,000 of taxable property, and whether by placing it on the former they did not lay themselves open to the charge of selfishness in getting rid of a charge to be placed where it would be odious and distasteful. His contention was that it was the duty of the whole body of taxpayers to provide at the general cost the means of convening, when wanted, a new Parliament. That was the course adopted in every country where representative Government existed. It might be objected that it would be wrong to allow Returning Officers to put their hands into the Exchequer, as if it would be difficult to check the amount of expenditure; but he was prepared not only to suggest, but to lay on the Table of the House a schedule of proportionate charges, beyond which the Returning Officer should not be allowed to go. If they turned to the Statute Book they would find clear and incontestable precedents for the course which he thus recommended. In 1821 Sir Robert Peel, as Home Secretary, carried an Act regulating the cost of elections in Ireland, to which was

appended a schedule, fixing the charge for every polling place which had to be erected anew at £5; and where a public or private building was used for the purpose at £3. The fees to be paid to poll clerks, &c., were limited in like manner. The sense entertained of the prudence and justice of those provisions was proved by the fact that there was no trace of either division or discussion on the subject. Again, in 1850, Lord Russell carried, without opposition, an Act amending the former statute, and likewise embodying a schedule of charges. He (Mr. Torrens) would extend the benefit of these enactments to the United Kingdom, varying the forms and amounts of the items as might be thought fit. He knew that it might be said that there were exceptional cases, wherein the frugal policy of these Acts was defeated. Yes, because there was in them a flaw which he now proposed to repair. They furnished a standard of charge, but omitted to provide any cheap and ready provision for audit. He would ask the Committee to supply that deficiency; and then they would have enacted and easily enforceable—not a uniform charge for elections in large and small places, which would be absurd, but—a uniform rate of charge everywhere applicable, which would prevent extortion or waste. He suggested that there should be a public audit of the costs of an election by an officer of the Treasury. It might, perhaps, be asked why this should not be trusted to local bodies. He wished to see local bodies strong and active, and that they should do much; but if there was one thing which local bodies could not do, it was to exercise frugality in such matters. No local body in the three kingdoms would compare in efficiency and rigour of audit with an officer of the Treasury. Every local body would be liable to the imputation and suspicion that they were straining and stretching the applicability of the schedule to the party purposes of the hour. A Government officer would have no such motives, and it would be impossible for him to go wrong when he had a statutable schedule to guide him. Some change on this subject was absolutely necessary, and he hoped the Committee, after the vote of last year, would call on the Government to prepare a proper schedule and appoint a proper auditor. The hon. Gentleman concluded

by moving the Amendment of which he had given Notice.

Amendment proposed,

In page 1, line 25, after the word "mentioned," to insert the words "Provided always, That no part of the expenses incurred by the returning officer shall be chargeable to any candidate nor upon any local rate, but such expenses shall be defrayed in such manner as Parliament may hereafter direct."—(Mr. W. M. Torrens.)

MR. W. E. FORSTER said, he must certainly admit that his hon. Friend had brought forward this Motion and stated the arguments for it very fairly. He must, however, demur to some of his statements. His hon. Friend had stated that the Ballot would considerably increase the expense of elections. Now, he thought it would have a contrary effect. The result would rather be to diminish expense. First of all, they would get rid of the expense of informing the public of the state of the poll from hour to hour, which he knew from experience was a very large expense. No doubt, in counties the increase of polling-places would considerably increase expense; but that would be accompanied by a diminution of the expenses for the conveyance of voters. The positive expenses, his hon. Friend said, would be increased. No doubt there would be new expenses, such as nomination and ballot-papers, ballot-boxes, stamps for marking papers, and ballot compartments; but then they would save the expenses of hustings, the proclamation, which would go with the public nominations, the expense of poll-books, which latter article was in some instances a very costly article, and the expense of the old patent indenture—the final result, he believed, would be that elections would be worked rather cheaper. But that was only a matter of prophecy, and hon. Gentlemen would of course have their own opinions. There would be certain legal and necessary expenses, and the question was, who should pay them? His hon. Friend could not state an opinion more strongly than he felt that candidates ought not to pay them. He stated that opinion when he brought in the Bill last year, and all the experience he had acquired, and all the additional study he had been enabled to give to the subject since, had confirmed it; and if the Committee did not accept the proposition of his hon. Friend—as he hoped they would not—he

Mr. W. M. Tyrells

trusted they would accept that of his hon. Friend the Member for Brighton (Mr. Fawcett)—to throw the expenses on the rates—and that, if they did not do so now, they would before long. The Government had not brought the question forward, because the House having last year declared its opinion upon the point by a large majority, it would have been disrespectful to them if the Government had done so. They had not changed their opinion, and the support of the Government would be given to the hon. Member for Brighton's Amendment. There were two or three reasons why he thought candidates should not pay these expenses. In no other country that he knew of were such expenses thrown on candidates. In Australia, France, and Italy candidates were not called on to pay their expenses. Even in this country the charge was a novelty brought in by the first Reform Bill. The old rule was that the constituencies, not the Consolidated Fund, should pay them. The Returning Officer's expenses not seldom amounted to £200. The amount was not large for any public fund; but it was large at least for some individual candidates. Those who were generally called "working men" demurred very strongly to the system. He had always told those who thus designated themselves that they had not a right specially to represent the working men of the country any more than a few middle-class men could be said to represent their own class. No doubt these "working men" were active politicians, and thought a great deal about political matters and important questions, and yet they found themselves prevented from sending men of their own class to Parliament by the operation of this system of saddling the candidate with election expenses. The very fact that these men were looking inquiringly into public questions, and searching the very depths of society, supplied the strongest reason why they should be brought within our Constitutional range. Serious questions affecting the Constitution, property, and employment were being started, and, however mistaken many of these persons might be, it was of immense consequence that they should plead their own cause in Parliament, instead of its being stated at second hand. He had received several deputations from these gentlemen, and had been almost touched by

their wish to enter within our Constitutional régime, and plead their own views. It was essential to the security of our institutions that a deaf ear should not be turned to them. Well, then, if hon. Gentlemen thought that candidates should not do here what they did not do anywhere else—namely, pay their own expenses—then it became a question who should pay them. His hon. Friend (Mr. Torrens) said the Consolidated Fund, while the hon. Member for Brighton pointed to the rates. He would very shortly give the reasons why the Government, while strongly in favour of the rates, must oppose payment out of the Consolidated Fund. These expenses for the three kingdoms at the Election of 1868 were under £100,000; a considerable increase over 1865, evidently owing to the increase of the constituencies; and he did not believe there would be a further large augmentation. It might be said, why not pay this £100,000 or £150,000 out of the Consolidated Fund? He thought it ought not to be so paid, because, if there was anything which really did of right fall upon the locality, it was the necessary expenses of returning Members to get their own work done. The nation ought not to pay for an expense peculiarly connected with the locality. Such a course, moreover, would encourage extravagance. The hon. Gentleman proposed to meet this by a statutory schedule, and he himself should be very glad to see the schedule which the hon. Gentleman had in his pocket. No doubt, under any circumstances, there was much to be said for a schedule; but the difficulty was, that if the minimum sum was taken, it would be insufficient for several parts of the country; while, if a higher sum was adopted, it would probably increase the expense in other parts where elections could be more cheaply conducted. Returning Officers in populous districts had suggested to him a certain maximum; but this amount, though reasonable in their eyes, would raise the expense in other places. The Government would be most happy to receive suggestions; but he would not like to be in the Treasury which had to work such a statutable schedule, for he could not conceive anything more likely to cause friction and ill-blood between that Department and the locality than for the Treasury to have to decide positively

what should be paid. Another objection to the proposal was that it would make a contest more probable for the sake of the expenditure. If the cost fell on the constituency, there would be a strong feeling against a merely nominal contest; but who would feel for the Consolidated Fund? Boroughs occurred to his mind in which nothing would be thought more popular and patriotic than for a gentleman to give them all the amusement and excitement of a contest at the expense of the country at large. On these grounds he hoped the proposal would not be adopted. As to throwing the charge on the local rates, he found that in England and Wales it would be only 7-10ths of a farthing in the pound on the rateable value; while in Scotland—where one expected everything to be done more cheaply—and also in Ireland, it would be 4-10ths of a farthing. The hon. Member for South Devon (Sir Massey Lopes) said last year that it would be hard to call upon a cottager, who was paying £5 rent, to contribute towards these election expenses. In no case, however, would he have to pay more than 2d., and, generally speaking, it would be nothing perceptible. In some small boroughs, where perhaps the Returning Officer was not of an economical turn, the burden might be more sensible, and this might account for the view taken by the hon. and learned Member for Taunton (Mr. James); but even in that borough it would be very light, and none of the hon. and learned Gentleman's constituents but would thankfully bear it for the pleasure of returning or even of opposing him. He presumed hon. Members were determined that nothing, however small, should be added to the rates; but if any expense fairly fell on the ratepayers, it was the charge of returning Members. While he entirely approved of so much of his hon. Friend's Amendment as related to the removal of the expenses from the shoulders of the candidates, he must warn the Committee against making a bad precedent, which might encourage the various localities to neglect their duty. Therefore, he opposed the payment of these expenses out of the Consolidated Fund.

COLONEL BARTTELOT said, he thought the Committee would agree, after hearing the remarks of the right hon. Gentleman the Vice President of the Council, that it was a most extraor-

Mr. W. E. Forster

dinary thing that the Government had not felt it to be their duty to insert a clause in the Bill similar to that proposed by his hon. Friend the Member for Brighton (Mr. Fawcett). After hearing the extraordinary statement that certain men whom the right hon. Gentleman would wish to see in that House could not come there because of the expenses attending elections, all he could say was that any Government entertaining such a view as that did not deserve the name of a Government unless it introduced a clause in a Bill of this kind which might carry that view to a successful issue. There were many constituencies who differed from the Government on this subject, inasmuch as they held that any man who had a seat in that House ought to pay for the honour, so far as his own election expenses were concerned. The main objection against the proposition of the Government was, that men of any political creed would take shelter under it, and get nominated to the detriment of those candidates who were prepared to pay their own expenses, but who, under the operation of this clause, would probably be obliged to pay expenses greatly enlarged by a contest with men of the former class. He agreed that there should be a schedule, instead of Returning Officers charging what they pleased; but he was sure the expense would be much larger if it was thrown on the rates or on the Consolidated Fund. If he had to choose between the proposal of the hon. Member for Brighton and that of the hon. Member for Finsbury, he should prefer the latter, because he objected to placing further burdens on the ratepayers, who were overburdened already. It might be said that that would exact but a very small sum from the poor man occupying a cottage in the country; but why should such a poor man, who had no voice in the election of Members for the county, be made to contribute at all towards those expenses? The addition made to the rates by such a change might be small at first; but under the operation of that Bill it would go on gradually increasing. Where would places be

increasing, where could places be found for polling without alteration of the most suitable premises? In the borough represented by the right hon. Gentleman himself, where could suitable rooms be obtained? [Mr. W. E. FORSTER:

School-houses.] Under this Bill, he greatly feared that even school-houses would not meet the demand for polling booths. He objected to the proposal of the Government on principle, and he could not shut his eyes to the fact that even the right hon. Gentleman had always supported it with a very faint heart; and he hoped that the Committee would refuse to pay the expenses of the candidates or to charge them upon the local rates.

MR. SERJEANT SHERLOCK said, it appeared to be admitted by the right hon. Gentleman that the expenses of elections would be increased under the Bill. ["No, no!"] At all events, more polling-places would be required, involving further expense. At contested elections in Ireland, however, a heavy item of charge at present fell on the Government for the services of the military and the constabulary in preserving order—a charge in respect of which there would be a considerable saving if the Ballot operated, as its advocates believed it would, as a check upon intimidation. At Irish elections the military were called out; whereas at English elections the military were kept in. He thought that the official expenses of elections ought not to be thrown on the candidates, and that they should in fairness be borne by the Imperial Exchequer rather than by local rates.

MR. G. BENTINCK said, he was glad to be able to agree in one point with the right hon. Gentleman the Vice President of the Council. If election expenses were to be paid by anybody else than the candidates themselves, he would prefer that they should come out of the rates rather than out of the Consolidated Fund. He believed, however, that the expenses of elections would be increased tenfold under that Bill. It was urged that they ought not to make the candidate pay those expenses in England, because it was not done in other countries. But he wished to ask whether our Parliamentary institutions would be improved if our electioneering system was assimilated to that of the United States or to that of France. In that matter he thought the example of other countries was rather to be avoided than imitated. The right hon. Gentleman referred, in language more fitting for the hustings than the House, to the poor man and his right to representation.

No doubt every class should be represented, and he would be very glad if every class was, as there would then be an end to all sorts of delusions and absurdities now existing; but a poor man could not hope to retain his seat unless the House was prepared to adopt the system of payment of Members. If the suggestion that the school-houses should be used as polling-booths were adopted, he hoped the scholars would not be allowed to attend on the day of election, for the whole system of proceedings at elections was so demoralizing that every care should be taken to keep it beyond the experience of the rising generation.

MR. MORRISON entirely concurred in the expediency of throwing the expenses of elections upon some public fund, and was prepared to admit that the duty of returning Members of Parliament was not of a local but an Imperial character. Still, the objection urged by the Vice President of the Council to throwing the cost on the Consolidated Fund was insurmountable. The unavoidable tendency of throwing the expense upon the Imperial Exchequer, subject to the audit of the Treasury, would be that the Treasury would, sooner or later, be obliged to adopt some maximum schedule of prices for each item of expense. That would be very unfair, because the expense of clerks, for instance, would not be alike in all cases; and, besides this, the inevitable tendency of fixing a maximum for the audit would be to bring all charges throughout the country up to that maximum, so that the maximum would also be the minimum. The hon. Member for West Norfolk (Mr. Bentinck) had spoken of the payment of Members as inevitable if artizans were to find the way open for seats in the House. No doubt this was so; but he did not shrink from the result. This, however, was a question beside the point at issue. In all cases of contested elections at present, especially in the case of county contests, one of the first questions was whether the candidate would be able to pay the expenses, and although this clause would enormously increase the necessary expenses of election, its tendency would probably be to secure the return of the fit candidate as opposed to the man of mere money.

MR. SYNAN supported the Amendment of the hon. Member for Finsbury

and would make their representation
the small interest in which the Com-
mittee of the whole would be interested. It was
also felt that if working men were to
be brought into the House they must
be paid. This was the necessary conse-
quence of the amendment and of the
composition of the Committee. Members for
England in particular which was affected
but very few in Scotland prepared to
accept the payment of Members for
the Committee. It will suffice to say
that the Committee is to make such
a proposal as to the House. We will
see what a valid representation was before the
House. It will be most unusual to an-
ticipate that all areas the whole
country over will be willing to do the
representatives and it would like to see how
many of them who represented such a
proposition would be returned to Parlia-
ment. There was an argument
between the two main sections. But
there was no analogy between municipal
areas and sections of Members to
the House. It was true that were returned
municipal members were working but
they were not the broad ground
which he had said. He was prepared to
go along with the Amendment; but
he did not think any proposition to

Mr. McNAUL said he thought the
last part of the speech proposed by the
Speaker would carry
the signatures of all hon. Mem-
bers on the other side of the House:
and this is because it contained the
dangerous policy. The
Hon. Mr. McNAUL said the fund
should be used to lay the ex-
isting parliamentary elec-
tions. There could be no doubt that
the Hon. Mr. McNAUL Fund in his
proposal before
the House. Mr. McNAUL who
had signed the committee that the

... had been reached. He had not been able to get an accurate account of the existing state of affairs in the country, or furnished him with any reason why the Government had turned against him. He had been involved in the pro-
tectionist movement. He had
written a pamphlet that can-
not be published at present, and he re-
quested the Member for Fins-
bury to let him know what was anticipated.

Mr. S....

the Motion of the hon. Member for Brighton. The effect of the present Amendment would be that boroughs and counties in which no Parliamentary contests took place would have to bear a part of the burden of those places in which there had been contests. Thus, the tax would be an unjust and an unequal one. He did not deny that the effect of the Ballot would probably be largely to increase the number of candidates, and that many would be started with small hopes or expectations of success, and without, in point of fact, much disturbing the existing representation. The effect of charging election expenses upon the rates would be to diminish the number of candidates who had no chance of success coming forward; but if the cost was to be defrayed out of the National Exchequer, many of the constituencies would be not unlikely to get up or encourage contests in order to divide the spoil. There were in all boroughs persons who had a strong interest in fostering contests; and the effect of offering a check upon the Consolidated Fund would be to arouse into still greater activity the bill-stickers, printers, local solicitors, pothouse-keepers, and other persons who derived pecuniary benefit from contested elections. The times were not those in which it would be right to adopt a course of action which savoured in the slightest degree of Socialism or Communism. It seemed to him that if the ratepayers wanted a contest they ought to pay the expenses of it. Therefore, while he should, when the proper time came, support the proposal of the hon. Member for Brighton to lay the expenses of elections upon the local rates, he must enter what he might almost call his indignant protest against the Motion of the hon. Member for Finsbury.

SIR HENRY SELWIN-IBBETSON said, he wished to say a few words in favour of the Motion of the hon. Member for Finsbury, because he felt satisfied the day was not far distant—if, indeed, it had not already arrived—when the expenses of elections would no longer be imposed upon the candidates. Hon. Gentlemen on that side of the House would, he believed, be generally of opinion that those expenses ought to be defrayed out of the general taxation of the country rather than out of local taxation. Every incident connected with the

representation of the people in Parliament was of national importance, and the question now under discussion must therefore be regarded as a national one. It was not until the reign of George II. that the first attempt was made to throw the expenses of county elections upon the candidates, and this system had not applied to boroughs generally until after the passing of the Reform Act of 1832. Consequently, it could not be said that the method suggested by the hon. Member for Finsbury was unknown to history. The principal objections urged against the proposed mode of payment were—first, that the expenses might be almost unlimited if it was known that the Treasury would have to defray the expenses of each individual election; and, secondly, that the scheme might create a number of fictitious and sham candidates. The speech of the hon. Member for Finsbury had, in his opinion, proved the first of those objections to be groundless; and, with regard to the second, it was met by the proposal that—in order to insure a *bond fide* nomination—each candidate at an election should be required to deposit a certain sum of money, which should be returned to him in the event of his polling a certain number of votes.

MR. M'LAREN said, it seemed to be pretty generally agreed that the burden of these expenses ought not much longer to be allowed to rest upon the Members. Most of the hon. Members who had spoken that night were either in favour of that burden being placed upon the rates, or in favour of its being laid upon the Consolidated Fund. He had the honour to support his hon. Friend the Member for Brighton (Mr. Fawcett) on a former occasion, because he thought his hon. Friend's proposal to defray the expenses of elections out of the rates was a good one, and he should vote on the present occasion for any proposal to get rid of the present unjust system. If the present Motion should be carried, there would be an end to the question; but if it should not, then he should support his hon. Friend the Member for Brighton whenever he brought forward his proposition. But he did not agree with what had been said that night about the injustice of laying this tax upon the Consolidated Fund. His own opinion was, that it would act as a check to some extent upon contests, and also

upon extravagant expenditure. He thought also that the incidence of the tax would be far more just if it were to come out of the Consolidated Fund rather than out of the local rates. He would give them an instance to prove that. During the present week, a most interesting Return had been laid on the Table of the House, showing the number of electors in every town and county in the United Kingdom, and the rateable value of each of those boroughs. The right hon. Gentleman the Vice President of the Council of Education had given some examples of moderate cases of expenditure, estimating them at about £800; but he (Mr. McLaren) thought he did not name any of the larger boroughs. He would give the case of the city which he had the honour to represent Edinburgh. Assuming that the Returning Officers expenses would be £100, he found, from the Return to which he had referred, that one-eighth of a penny per pound on the rental would return £800. Taking one of their first-class marchants, who lived in a house of £100 rent, he would pay 1*s*. towards the expenses of the election of a Member of Parliament; and as that would occur only once in three years, practically he would pay a halfpenny a year for the return of a Member. It was not that class of people who complained of these expenses being paid out of the rates. It was quite the contrary. So far as he knew they were all in favour of these expenses being paid out of the rates. Not later than yesterday he presented a Petition to the Queen in the House for giving them on the consideration set out by the right hon. Gentleman the Vice President of the Council of Education, and the first hon. English Gentleman, a Bill to amend the law relating to the expense of returning officers in the election of Members of Parliament. The right hon. Gentleman the Vice President of the Council of Education had said that the expenses of the election of a Member of Parliament were £800. That was a moderate estimate. And he (Mr. McLaren) said that the expenses of returning officers in the election of a Member of Parliament were £100. That was a moderate estimate. And he (Mr. McLaren) said that the expenses of returning officers in the election of a Member of Parliament were £100. That was a moderate estimate.

of £200 towards the expenses of these elections. Seeing that Parliament was elected for the management of the affairs of the whole of the United Kingdom, and not for the management in particular of the affairs of the town which returned a Member, and seeing that a Member was not a Member for the town which returned him, but a Member returned by the town for the Parliament of the United Kingdom, and that every Member was a Member for all the towns and all the counties in the United Kingdom, he thought it was but reasonable that the general fund should pay the expenses. To show how it would act in the case of Ireland, he found that under Schedule E the rental of all the cities and towns of Ireland was £200,000 less than the rental of the city of Glasgow, and excluding Dublin, that the rental of the city of Edinburgh was larger than that of all the cities and towns of Ireland. He thought it would be most unjust to saddle all those communities with a considerable rate, when the larger and richer towns would pay almost nothing at all. While, therefore, he thought either plan a good plan, he still believed that the plan of paying the expenses out of the Consolidated Fund would be the more equitable plan of the two. The only argument he heard that night which exercised the slightest influence on his mind was that of the right hon. Gentleman the Vice President of the Council, who alleged that the Treasury would find very great difficulty in knowing the amount of expenditure, and that he (Mr. McLaren) would not like to be a Member of the Treasury which had that kind of power. He (Mr. McLaren) thought that when they came to examine the reasons which the right hon. Gentleman gave in support of that view they would find very easily before the Committee were before them. With the returning expenses gone, the principal expenses were those of the polling-booths and the returning officers, and of the polling-clerks. Those were the three chief heads of expenses. Parliament decided the number of polling-booths in proportion to the number of electors. What would the Treasury do? They have many polling-booths there—about 10,000—and they would fix a maximum sum—they would not allow more than 2*s* for each polling-booth. If a small constituency had only one, there

would be only one to pay for, and if a large town or city had 20 or 30, they would have to be paid for at the same rate. The same rule would apply to the presiding officers, the polling-clerks, and the voting papers, and all the incidental expenses; and, with all deference to the right hon. Gentleman the Vice President of the Council, he thought the Treasury would find no difficulty whatever in wisely and economically checking the expenditure in every constituency in the kingdom.

Mr. BARROW said, he felt satisfied the ratepayers and taxpayers would find the Bill for expenses much larger than had been supposed by all the speakers who had addressed the Committee, with the exception of the hon. Member for West Norfolk (Mr. G. Bentinck). He was very sorry to say that both personation and bribery had increased seriously in this country, and he was quite convinced that they must increase still further in consequence of the impunity offered to them by the provisions of this Bill. Under these circumstances, he was not surprised that hon. Members desired that some part of the expenses they had to incur should be defrayed by a public fund. They were mistaken, however, if they fancied they would themselves have less to pay, because their expenses must be enormous. Precautionary measures to guard against personation and bribery would in many cases far exceed anything that hon. Gentlemen at present calculated. As Returning Officers were public officials, they might, perhaps, with propriety be paid out of the Consolidated Fund; but he feared that plan would lead to a large number of contests, which would create a state of public feeling that he should be sorry to see. He did not suppose he should live to see it; but he did feel sincerely the loss which the country would suffer in character and independence by the operation of this Bill. He hesitated to vote for putting election expenses on the ratepayers. He was willing to leave the expenses on the candidates. He believed the country did not call for this Bill. He had represented a constituency for more than 20 years; and although his constituents knew he was opposed to the Ballot, they had never troubled him on the subject; while his hon. Friend, who represented another portion of the same county (Nottinghamshire), after

publicly stating that he was decidedly opposed to the proposal, carried his election by a majority of 1,000.

MR. BRAND said, he thought the Government were perfectly justified in not including in this Bill the expenses clause of last year's Bill, seeing the division which was taken last year on that subject, and for that reason he could not understand the course now taken by the right hon. Gentleman the Vice President of the Council. His simple reason for supporting the Amendment of his hon. Friend the Member for Finsbury (Mr. Torrens) was because he had some ground for fearing that certain counsels which had been taken outside of the House might have rendered those Members who opposed the expenses clause of the Government last year liable to misconstruction. The Vice President received the other day a deputation of working men on this matter. As far as he could recollect, the substance of the right hon. Gentleman's remarks was that the Government were very great friends of the working men; that they desired to carry out the wishes of the deputation in this respect; but that they were prevented by the House of Commons. Now, as far as the right hon. Gentleman went he was perfectly correct; but he might have gone farther and told the deputation that there were two ways by which these objects could be obtained, and that, the House having declined one, the Government refused to try the other. He might have said that there were two doors by which the working men might be admitted; that the House refused to open one, and that the key of the other was in the pocket of the Prime Minister. It would be in the recollection of the House that his hon. Friend had a similar Notice on the Paper last year, but did not press it. He submitted that his hon. Friend was now in a better position. In the first place, the Committee was not weary of debates on the Ballot Bill. In the second place, it would be impossible for any hon. Member in the House, with the exception of the hon. Member for Brighton (Mr. Fawcett), to attempt to fetter this Amendment by inducing the Committee to accept the alternative of placing these expenses on rates. The plain state of the case was this—the House, by a majority of 96, had decided against placing these expenses on rates, and his hon.

Friend came before the Committee and asked them to decide whether they preferred to continue the system by which these expenses were placed on candidates, or would accept the alternative of calling on the Executive Government to defray these expenses out of the Consolidated Fund. He wished to say a word why these expenses ought not to be paid out of rates; why he thought they ought not to continue to be paid by candidates; and why he thought the only course that should be taken was to place them on the Consolidated Fund. With regard to the first question, he would ask how it was that there was such a large majority upon this question last year? He had heard it said that a great portion of the majority on that occasion were composed of hon. Members who were well able to pay the extraordinary expenses of contested elections, and that they were also a little afraid that the payment of these expenses out of rates might bring a considerable influx of antagonists into constituencies. Well, he did not know how that might be. He did not believe that a great portion of that majority were influenced by such motives as those; but, at any rate, at the risk of being egotistical, he would say that he himself voted in that majority, though he was actuated by no desire to keep working men out of that House, but was influenced simply by this feeling—that it was very undesirable to vote for placing any expenses whatever on local rates until a fresh adjustment of taxation should have been made. He knew that the hon. Member for Brighton would say that they were making a fuss about nothing—that they were creating a mountain out of a molehill. He (Mr. Brand) would ask whether every succeeding Chancellor of the Exchequer had not endeavoured, as far as he could, to relieve the Imperial purse at the expense of local ratepayers? And he would ask, further, what the tendency of the present Government had been. But his hon. Friends opposite ought to remember that a change had come over the spirit of the Government, and he was glad to hear the statement of the Secretary of State for War the other day with respect to the way in which he proposed to relieve counties from the cost of the Militia. He could only express a hope that the right hon. Gentleman the Vice

President of the Council would be able to use his influence over the Prime Minister of the Crown, and would induce him to accept the Amendment of his hon. Friend the Member for Finsbury. He thought that, after the very able and exhaustive speeches which had been addressed to the House by the hon. Baronet the Member for North Devon (Sir Massey Lopes), it would not be necessary to particularize the different local charges which were imposed of an Imperial character over which the local magistrates had but little control. It would merely mention that out of a total charge of £3,300,000 raised in counties the magistrates had full control over only £200,000. These were reasons why he thought these charges should not be paid out of local rates. But if there were reasons why they should not be placed on local rates, there were reasons equally cogent why they should not continue to be paid by candidates. He did not profess to be a special admirer of working men or a champion of their rights; but this he would say—that it would be a great advantage to Parliament if working men came into the House, because the House would then be able to learn more accurately their wishes, and working men would be able to feel more implicit confidence in the House. He held that the present system of candidates meeting the expenses of their own election had a demoralizing effect. Instead of it appearing that the candidate was honouring the constituency by his representation of them in Parliament, it appeared as if he were soliciting a favour and an honour from the constituency—a favour and an honour which ought to be conferred upon him free of cost if he was worthy of the distinction at all. There was, in his opinion, a sufficient reason why the expenses of candidates for Parliamentary elections should come out of the Consolidated Fund. The services of a Member of that House were Imperial, and not local, services—a statement for which he had the authority of Blackstone, who, in his *Commentaries*, distinctly laid down the principle that a Member of the House of Commons, though elected from a locality, became, upon his election, a Member of an Imperial body, and was to be so regarded. He supported the Amendment because it affirmed the just principle that the expenditure of candi-

Mr. Brand

dates should be met by some rate other than local. The Vice President of the Council had objected to the Amendment upon the ground of difficulty in scheduling the expenses. His answer to that was that the districts as well as the expenditure had better be scheduled. But the fact was that the objection ought not to weigh with them in that discussion, for if the Committee accepted the Amendment it would be the duty of the Government to provide safeguards against an unfair incidence of expense. Another objection which had been raised was that the payment of the costs of candidates out of the public funds would be in favour of the development of sham candidates. He did not believe that it would. Sham candidates would not be affected by any consideration of where the funds to cover their expenses came from, and the best thing the Gentleman who objected to the Amendment upon that score could do would be to introduce a clause imposing upon all candidates the condition of giving some guarantee of the *bond fide* character of their candidacieship. He wished to call upon the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) to give his support to this Amendment, and he further laid claim to the support of those who had helped the right hon. Gentleman to pass his Reform Bill. The right hon. Gentleman had given the country household suffrage, and he (Mr. Brand) was certain that the right hon. Gentleman was too generous a man and too honest a statesman to turn round now upon the class whom he then benefited, and place obstacles in the way of their returning to that House men whom they may desire to represent them.

Mr. JAMES complimented his hon. Friend the Member for Finsbury (Mr. Torrens) on the moderation and fairness of his speech, which would disarm hostile criticism, yet his hon. Friend had argued the whole question on a narrow rather than on broad philosophical grounds. He had treated it entirely as a candidates' question, and he had almost pleaded that they should be saved from incurring expenditure which he alleged was excessive, unjust, unequal, and unchecked. Now, the Committee should be jealous in giving heed to a proposal which sought to remove from individual Members those expenses, and put them on something or somebody not repre-

sented in that House as they themselves were. There were two propositions which it was necessary for the supporters of the Amendment to make out—first, that candidates ought no longer to be made to bear the expenses; and secondly, that those expenses should be paid by Imperial taxation. If he had understood his hon. Friend, his proposal meant, though the forms of the House prevented his distinctly saying so, that it was the Consolidated Fund that should be brought to meet the expenditure of Parliamentary candidates. Any measure which would have the effect of rendering the expenses less, or of making admission to that House compatible with the means of all, would have his support. But he believed the expenses would be greatly increased by the adoption of the present proposal, and on that ground he opposed it. What really had to be considered was, how candidates who would be the best representatives of the people, and who ought to be invited to come into the House, could best bear the expenses cast upon them during the years of their Parliamentary life? He was sorry to have to follow his hon. Friend to that narrow ground on which he argued the question. He told the House that the public expenses of elections had increased until they reached the sum of £93,000. Then he told them there was a column which represented expenses other than those of the Returning Officer, and he said we had nothing to do with that column, which showed the actual expenses of candidates. From that view he (Mr. James) dissented, and he asked the Committee to dissent. In 1868, while the Returning Officers' expenses of candidates amounted to £93,000, the expenses of candidates themselves reached the sum of £1,383,000, some 14 times as much as the Returning Officers' expenses. Therefore they had to see whether they should increase those expenses which fell upon the candidates—to see whether by diminishing the smaller amount, they should not be increasing the £1,383,000. If it should turn out that the Committee relieved the candidates of the Returning Officers' expenses, the probability—nay, the certainty—would be that candidates would have a contest in every constituency to which they appealed; and, however long a Member's services might be, however well he had served his constituency and

his country, he would never be free from a contest as long as he was in the House. Would not the effect be that a man, say of moderate means, looking to the burdens he would have to put on his estate, and to the welfare of those who were to come after him, would naturally say—"I decline to enter Parliamentary life, since I am to have annoyance and turmoil on every occasion I appeal to my constituency—when I shall have to pay large expenses on every occasion on which that appeal is made—expenses that will ruin my estate and impoverish my family. Therefore, I refuse to give my country or the constituency the benefit of my services?" Appeals almost piteous had been made on the part of poor men to enable them to enter that House; but ought they not to consider the case of men of moderate income? He denied that poor men were kept out of the House by the Returning Officers' expenses. If they could not pay the £93,000, surely they could not pay the £1,383,000, and if they could pay the latter, with still greater facility could they pay the £93,000 hustings expenses. The mere working man—he spoke now of the men who earned a fair day's wages for a fair day's work, not of the men who wandered through the country earning a living by preaching and speaking and receiving tribute from the men they deceived—the mere working men, he said, who had to earn their living, could never enter that House, whether the hustings expenses were paid out of the Consolidated Fund or by them, until some other provision was made for them. But if men of great intelligence and worth who raised themselves above their fellows, so as to become representative men for those with whom they associated—if such men came forward, they would have funds found for them for hustings expenses, as well as the other necessary expenses of candidates. But if even the hustings expenses were removed, would the man earning, say 40s. a-week, be able to enter the House of Commons? Could he come here without receiving assistance from others? and if he obtained such assistance, he would certainly not be excluded by the hustings expenses, which, at the General Election of 1868 averaged less than £100 for each candidate throughout the country, and certainly a far smaller sum in the borough constituencies. By throwing

Mr. James

these expenses upon the Consolidated Fund, Parliament was casting down the barrier which existed between properly selected candidates and sham candidates who would disturb almost every constituency; so that the most experienced Members of this House, the men who were the most able and the most attentive to their duties, would never be spared a contest, and would eventually be driven from their constituencies rather than undergo the turmoil and expense of constantly-repeated opposition. Some restless spirit, some ambitious man, would always be found ready to engage in a contest which would benefit every tradesman and interest, and would hurt no one save the *bond fide* candidate and the taxpayer. What was the safeguard of £100 deposit required for? To prevent these sham contests taking place. If they admitted that a man who had £100 was fit to be a candidate, and that a man who had only £99 19s. was not, where were all the principles that enthusiasts were setting before them? Nothing could be more injurious than this suggested deposit. It would be found, and in order to save it from being forfeited votes would be recorded for the candidate on whose behalf it had been deposited—or rather the vote would be for the deposit. Coming to the question of placing the expenses on the Consolidated Fund, the hon. and learned Member referred to the remarks of the Vice President of the Council, who said he was sure many of the ratepayers of Taunton would contribute money for the pleasure of opposing him (Mr. James), and some for the pleasure of supporting him. Well, as to the pleasure of opposing him, probably many would do so, and for the pleasure of supporting him a few might; he did not object to the latter if the electors liked him well enough to pay his expenses. But they could do so under the present system if so disposed, and what he objected to was their being obliged to bear the expenses of a candidate they disliked. The hon. Member for Finsbury was opposed to compulsory contributions to support a religion by those who did not appreciate it—an objection which ought to apply also to the expenses of candidates they did not like. Those who wished to relieve candidates of this charge ought first to settle among themselves where it should fall. The

hon. Member for Finsbury had clearly shown the inexpediency of throwing it on the local rates, while the hon. Member for Brighton (Mr. Fawcett), after his arguments last Session, could not consistently support this proposal. Now, he desired to see the present relation between candidates and their constituents maintained, and he objected to any change as likely to result in the defeat of good and moderate men by disturbed and restless spirits, and in an invasion of a House now composed of men of character and education by men who had no real claim to represent the people of this country.

MR. FAWCETT said, he agreed with all the arguments of the hon. Member for Finsbury (Mr. Torrens) in favour of relieving candidates, as far as possible, from election expenses. But the question was, if the expenses were not to be borne by the candidates, from what fund they ought to come? The question had been discussed as to whether it was right to admit working men or not, or whether, if the clause should be passed, the best representatives of the working men would obtain seats in Parliament. Now, it was impossible to say how many working men would be admitted. He thought the number would be extremely small; but the smaller it was the more reason there was to remove every obstacle which offered impediments to their obtaining admission to the House. He was strongly opposed to casting the charge on the Consolidated Fund. It occasionally fell to his lot to oppose the Prime Minister; but he believed the country owed him a deep debt of gratitude for his jealous watch over that fund, for the great danger of Democracy consisted in the repeated and increasing demands made upon it. Everybody felt that the local rate came out of his own pocket; but the popular notion as to the Consolidated Fund was that it was a perennial source of wealth, kept full by the bounty of nature, and that in the general scramble for it the more any constituency could get the better, as the burden would be on the whole community, and the additional charge would be imperceptible. It could not be too frequently impressed on the people that every £100,000 paid into the Consolidated Fund represented a much larger sum taken out of the pockets of the ratepayers. Considering, indeed, the impediments thrown by all taxation in the way of industry, the cost

of collection, and the inequalities of taxation, £100,000 not unfrequently represented a sacrifice of national wealth of perhaps double that amount. Moreover, all the main arguments for throwing this charge on the rates were inapplicable to the Consolidated Fund. One of those arguments was that a great moral lesson would be enforced on the constituencies, who would be taught the proper relations between themselves and their Members, and would gradually feel that a man who served them ought not to pay for the service he rendered, but that that cost should be made as small as possible. The constituencies also would have an interest in economy, the effect of which had been seen in the insignificant cost of municipal and school board elections. If, on the other hand, the charge were laid on Imperial taxation, however skilfully the schedule might be drawn, pressure would be constantly applied to the Government to spend as much money as possible in every successive election. The two proposals would operate very differently with respect to the arguments advanced by the hon. and learned Member for Taunton (Mr. James). The hon. and learned Member for Taunton said that whether the candidates' expenses were thrown on the rates or the Consolidated Fund the number of elections would be enormously increased. Now, he believed that such would be the case if the expenses were thrown on the Consolidated Fund; but if they were thrown on the rates the sympathy of the electors would then be enlisted against unnecessary and useless contests. The Government had been alternately blamed and praised for excluding this particular proposal about the payment of candidates' expenses from their Bill of the present year, and it was said that they were almost bound to vote for the proposition of throwing the charge on the Consolidated Fund, because they had tried another plan, which had been defeated. No one could doubt that, whether from accident or any other circumstance, the impression was certainly produced that the Government were not very eager in supporting the proposal of last year, and there seemed to be a kind of defeated air about the speech of the Prime Minister; but he believed, if the right hon. Gentleman should now feel it incumbent on him to speak out in favour of the pro-

posal for throwing the expenses on the rates with as much sincerity and zeal as, it was understood, he felt for it, that the speech of the right hon. Gentleman would produce a great impression on the popular mind, and it would be found that when the proposal of which he (Mr. Fawcett) had given Notice was brought forward, in about a fortnight or three weeks hence, the majority against it would be considerable reduced. He had concluded when the hon. Member for Finsbury gave Notice of his proposal, that the whole tide of popular feeling would run in favour of it, because it afforded a chance of placing the general charge on the public; but since that proposal had been on the Paper of the House, the Vice President of the Council had received many deputations from working men, and he had himself received innumerable communications from different parts of the country, showing that the proposal to throw the expenses on the rates was more popular than the proposal to throw them on the Consolidated Fund. This was important testimony as to the tendency of public opinion, and proved that, if hon. Members thought that his proposal was just in itself, they needed not to fear that the adoption of it would be in opposition to the wishes of the constituencies.

Mr. GATHORNE HARDY observed that his vote had been claimed on account of something which he had said last year. What he then said was that he was in favour of the expenses devolving on candidates as at present, and that he did not wish to discuss the question as between Imperial and local means. He was certain that he spoke against the proposal of the hon. Member for Brighton. Mr. Fawcett'.

MR. GLADSTONE: My hon. Friend the Member for Brighton (Mr. Fawcett), in his interesting speech, has very naturally mixed together a reference to the two subjects, only one of which is before the Committee at this moment. He has appealed to me on the subject of the proposal he is about to make, to relieve candidates from the payment of necessary expenses, and charging them on the rates. I shall be brief upon it, because it is not the question immediately before the Committee, and because I have but little to do with regard to that subject, except to express my entire and continued adhesion to the sentiments I

have endeavoured to convey to the House on former occasions. Nothing can be better than the argument of my hon. Friend upon this Motion in general; and there is very little indeed that I could object to or add to it. There is one point, however, I must notice, and that is the point raised by my right hon. Friend the Member for Kilmarnock (Mr. Bouverie), as to the Standing Order prohibiting the House to entertain, except upon the recommendation of the Crown, any Motion or proposal creating a charge on the Consolidated Fund, or a charge to be defrayed by moneys provided by Parliament. The Chairman of the Committee most properly, in the judgment he pronounced, confined himself to the terms of the Motion, and said that they did not go to create a charge on the Consolidated Fund, or a charge to be defrayed by moneys voted by Parliament. However, that which was applicable to the hon. Member's Motion was not applicable to his speech, for whatever reserve he has contrived cleverly and astutely to exhibit in framing his Motion, there is, as regards his speech, no mistake about the matter. We have heard a great deal about the spirit of Acts of Parliament over what is contained in their words, and I must say that, if we unite the words of the Motion of the hon. Member for Finsbury with the words of his speech, there cannot be any dispute about the spirit of the Motion, and we must come to this conclusion—that the Motion of the hon. Gentleman, in spite of the ingenious manner in which it is framed, does involve an interference with the Standing Order of the House which imposes on us the obligation not to lay a charge on the Consolidated Fund, or create a charge to be defrayed by money voted by Parliament, unless it be recommended by the Crown. The House, by long and valuable tradition, has chosen to impose this restraint on itself, and I believe that the restraint has created a broad distinction between this House, in the success of its working, and other Assemblies in other parts of the world, which differ from the House of Commons in respect to this remarkable self-restraint imposed by a rule regarding the public money. I am unwilling to be a party to breaking down that valuable rule either in letter or spirit, and I cannot but hope that a similar feeling will influence many hon. Mem-

bers in the vote which they will give to-night. Now, on the merits of the proposition of my hon. Friend, it would be impossible for me materially to add to what has fallen from the hon. Member for Brighton. Nothing could be more succinct, relevant, and forcible than the arguments which were employed by that hon. Member. He pointed out the great practical distinction between an imposition of this charge on the rates and its imposition on the Consolidated Fund. I do not argue the question on its imposition on the rates—that is a separate question; but I am prepared to maintain that by imposing the charge on the rates you would secure a great reduction of the charge itself, and that you would thereby create so strong a public opinion in every local community against frivolous and needless contests that, in point of fact, that very charge would in itself tend to prevent these contests. I am entirely unable to make any such allegations with respect to the imposition of the charge on the Consolidated Fund. By the local community every addition to the rate is resented because everyone feels that he himself must pay for it. With respect to the Consolidated Fund, there is no such feeling. Nay, I believe, as was stated by the hon. Member for Stoke (Mr. Melly), there would even be a sort of silly sentiment on the part of some districts that if other people were going to have their contests, and have the whole expense of them paid out of the Consolidated Fund, it would be hard that they should be deprived of their share, and they might as well go in for a contest too. If this was an important consideration under the law as it stood till the present time, it is still more important at the epoch we have now reached. We have got a greatly enlarged constituency, and we have got a very proper desire for a great multiplication of polling-places, of which the right hon. Gentleman opposite (Mr. Disraeli) has been the ardent, wise, and successful advocate. Now, what sort of polling-places are we to have? Wherever it can be done school-rooms and buildings are to be employed for the purpose. I want to know how it would be possible for the Treasury to insure the faithful administration of that law. If, however, the charge be upon the rates, in every case a wholesome economy will be exercised in selecting polling-places. But if

the charge be placed on the Consolidated Fund, it will become simply a question between enriching the local tradesman who gets the job, and availing yourselves of school-rooms and similar buildings for the benefit of the Consolidated Fund. Who can doubt what the result will be? It will be a large, bootless, profitless expenditure; and you would along with that expenditure have reproduced in a most odious and offensive form the struggle between the local authorities and the Treasury, which which would be aggravated fifty-fold if you adopt the Motion of my hon. Friend the Member for Finsbury, because it is impossible for any officers of the Treasury to have the means of placing an effective check on the expenditure, and the effort to do it would involve them at every point in conflict with the representatives of the local community. But, then, I must say that my hon. Friend, although he means kindness to the constituencies, is also inflicting on them the greatest mischief. It is impossible to devise a plan more favourable to the multiplication of needless contests than to cast these charges on the Consolidated Fund. I believe there is no evil you can inflict on the constituencies comparable with that of the needless multiplication of contests; and I do not think it is possible to deny that the placing of these charges on the Consolidated Fund would have the most direct and powerful tendency to work in that direction. The hon. Member for Edinburgh (Mr. McLaren) supports the hon. Member for Finsbury; but he frankly confessed that placing the charge on the Consolidated Fund would tend to remove the check on frivolous contests. The hon. Member for South Nottinghamshire (Mr. Barrow), who does not regard this Bill with any kind of favour, did not fail, with his acute discernment, to see and state that the placing of this charge on the Consolidated Fund would be a severe infliction on the local community through its tendency to bring about these mischievous contests. That is an undeniable evil. If you increase the gross charge, if you waste money either on this or any public object, the result will be that the burden must fall on the nation. I must say I think it is most creditable to those who are supposed to have some special interest in the removal of these charges—the artisan or labour-

ing class—that they have not condescended to aim at throwing them on the Consolidated Fund on any occasion or in any quarter. I am very glad to perceive, so far as one can judge from indications in the debate, that the Committee are disposed to give full weight to these important considerations against transferring these charges to the Consolidated Fund. We shall abide the judgment of the House cheerfully, whether they shall remain on the candidate or be transferred to the local rates; but I sincerely hope that the Committee will reject, by a decisive majority, the Amendment proposed by the hon. Member for Finsbury.

posed by the hon. Member for Finsbury.

MR. DISRAELI : There is a distinct issue before the Committee ; but in the course of debate two issues have been raised. One question is, whether these hustings expenses shall be charged on the rates ; the other, whether they shall be defrayed from the Consolidated Fund. I am opposed to both propositions. I shall always support the right hon. Gentleman in that defence of the Consolidated Fund which obtained for him to-night the compliments of the hon. Member for Brighton (Mr. Fawcett). I listened, Sir, to the ruling of Mr. Speaker this evening on the point of Order raised by the right hon. Member for Kilmar-nock (Mr. Bouvierie), with attention and regret ; and I cannot but believe when the subject is discussed more completely than it could be to-night, and when Mr. Speaker has had another opportunity of explaining more particularly the opinion he gave, and the accuracy of which I do not impugn, a different impression will be adopted in regard to it. As to placing the election expenses upon the rates, I have heard with alarm from the Members of Her Majesty's Government that they are favourable to that proposition. I think the time has come when it ought to be made clearly apparent to any Govern-ment that may exist in this country that no increase of the rates can be tolerated so long as the area of taxation from which these rates are drawn is limited, as it is at present. It is a most perplexing affair; but if we cannot solve the difficulty of increasing the area of taxation we must leave the rates alone. Sir, I am convinced it is the wisest policy of the ratepayers of the country to resist any increase of the rates, however slight, or however plausible the protest may be, until the Government make up

Mr. Gladstone

their minds to encounter that difficulty—a question which a Minister is bound to solve before he comes forward with a proposition to increase the rates. Under these circumstances, I must say—even if there were any grievance, which has never been proved, under existing arrangements—I shall certainly oppose any remedy which is founded on either of those propositions. The hon. Member for Hertfordshire (Mr. Brand) has made a personal appeal to me, as one who was instrumental in some degree in passing the late Reform Act, to support this proposition, which by relieving candidates from the hustings expenses would open Parliament to the working men. We had that appeal made to us last year, and I thought it was an appeal that might do very well for one Session. But I confess I did not expect that stock appeal for the working man who could not get into Parliament because of the hustings expenses would really be produced in the more serious Session of 1872. I am sufficiently interested in that subject not to be entirely ignorant of all the facts of the case, and from what I can learn from sources not slight or superficial, I am convinced there never yet has been a working man prevented from becoming a Member of this House by these charges. I defy the hon. Member for Hertfordshire to give me satisfactory proof that any working man has been kept out of Parliament by the obligation to meet these expenses. I find by inquiry that there were at the last General Election several candidates who were working men really and avowedly; not one of them was prevented by the expense of the hustings from going to the poll; and not only that, but these working men expended in the pursuit of the object of their ambition sums much larger than the expenses of the hustings. One of them was a candidate for the county town of the county which I represent; he was a man of much ability; was cheerfully supported by numbers and by money; and I am quite convinced that, although he was not successful, the expense of the hustings was in no degree the cause of his discomfiture. Let a working man appear as a candidate for the suffrages of his countrymen and ask to be returned as a Member of Parliament; let him be a man who thoroughly deserves, by his character, by his talents, and by his

special acquirements, the confidence and regard of his countrymen, and he would have as good a chance of being returned as any gentleman of distinguished lineage and large estates. I believe the pretext for the proposed change founded on the peculiar situation of the working man is one of those flimsy pretexts which vanish in the searching fire of Parliamentary discussion. Although the question before us is one which may be argued on more substantial grounds, I cannot believe that the plea will be again put forward. So far as I can form an opinion, the tendency of the suggestion of the hon. Member for Finsbury (Mr. Torrens) would be to withdraw a wholesome and salutary check to mock contests, and perhaps to the entrance into this House of persons whom we shall be glad to see out of it when they have once come in.

MR. J. LOWTHER said, he hoped that the question would not be decided simply in the alternative of an addition either to the rates or the general taxation of the country, but on its merits. He objected very much to the proposal, because it would multiply candidates and contests needlessly, and he did not believe that working men were kept out of Parliament by these expenses.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 54; Noses 362: Majority 308.

MR. CAVENDISH BENTINCK moved, in line 26, leave out "during the," and insert "at any." Same line, leave out "appointed for," and insert "before." The object of this Amendment was to enable the candidate to withdraw up to the day of the poll, so as to save a candidate nominated against his will from being compelled to incur any expenses with reference to an election.

MR. W. E. FORSTER said, he could only repeat what he had stated in the early part of the evening—namely, that underhand arrangements would probably be made if candidates were allowed to withdraw after the time fixed by the Bill, and there was still greater objection to their withdrawal at any time before the polling day, as the electors would be kept in the dark respecting the number of the candidates to be brought forward.

MR. CAWLEY said, he had himself given Notice of an Amendment with a similar object, and maintained that power should be given to candidates to withdraw up to the day previous to the election; otherwise, although the parties did not desire to go to the poll, the Returning Officer must proceed to take a poll.

MR. COLLINS said, he thought his hon. Friend (Mr. C. Bentinck) was under a mistaken impression as to the effect his proposition was likely to have, for if a candidate had the power of withdrawal asked for, there would be quite a flood of "sham" and "dummy" candidates, whereas the Committee should do all they could to get rid of that class altogether. Candidates were sometimes started merely in order to make speeches on the hustings and then withdraw; but the case would be different when public nominations no longer existed.

MR. CAVENDISH BENTINCK said, that although there might be no speeches made on the hustings under that Bill, the candidates would still address the electors on the day of nomination from the windows of their respective committee rooms. He saw no reason why candidates should not be nominated, then have the power of making speeches, and afterwards be able to retire if they chose, in order to save the expenses of the election. His Amendment would tend to cut down the enormous expenses which the Bill would create, and he would therefore take the sense of the Committee upon it.

Amendment negatived.

MR. CAVENDISH BENTINCK rose to Order. He had twice challenged the decision of the hon. Gentleman.

THE CHAIRMAN: The hon. Gentleman has said that he rose to a point of Order. There is no point of Order involved. The Question was put the first time, and the hon. Member challenged my decision, his voice being the only one which reached me. I thereupon put the Question again, and distinctly paused, and there was no challenge.

MR. CAWLEY, in order that the sense of the Committee might be taken, then moved the Amendment of which he had given Notice with a similar object—namely, in line 26, after the word "Election," to insert the words "or before the day appointed for the poll."

Amendment proposed, in page 1, line 26, after the word "Election," to insert the words "or before the day appointed for the poll."—*Mr. Cawley.*

Question put. "That those words be there inserted."

The Committee divided:—Ayes 144; Noes 206: Majority 62.

Committee report Progress; to sit again *To-morrow.*

SUPPLY.

Order for Committee read.

Motion made, and Question proposed. "That Mr. Speaker do now leave the Chair."

MR. SCLATER-BOOTH said, before the Speaker left the Chair he should like to call the attention of the House to the constantly recurring practice of taking Estimates, not only at the close of a Session, but at the commencement of a fresh one in respect of the financial year about to expire. A few years ago they had from the right hon. Gentleman at the head of the Government a statement of his opinion on the matter, which he should like to recall to the recollection of the House. In 1867, upon the Supplementary Estimates being proposed, the right hon. Gentleman said it was always a matter of regret to him when Supplementary Estimates had to be brought forward. The usage of Parliament was, he added, to bring forward once for all the entire Estimates of the finances of the country, and it was most undesirable that that practice should be departed from. That was the view of the right hon. Gentleman in 1867, and he (Mr. Sclater-Booth) was sure that it was his opinion now, and also the opinion of the House. Of late years, however, the practice of the Government had been constantly to transgress that rule. The Budget of the Chancellor of the Exchequer having been brought in in April, 1870, there was a Supplementary Estimate in the following July for £47,600 on account of the Civil Service, and in March, 1871, there was a further Supplementary Estimate of £211,000, the whole being upwards of £250,000 in excess of the sum mentioned by the Chancellor of the Exchequer in his Financial Statement. In about to expire a

obtained. The Chancellor of the Exchequer made his Financial Statement in April. In July there was a Supplementary Estimate of £218,000, and in March of the current year they had a further Supplementary Estimate of £180,000 for the Civil Service, and of £20,000 for the Customs establishment, making an excess over the original Estimate of £418,000. This was a large sum to demand upon a Supplementary Estimate. The sums asked for were, moreover, charges for services which might very well have been included in the Estimates brought forward at the commencement of the financial year.

SIR JAMES ELPHINSTONE said, he had observed that the practice of bringing forward Supplementary Estimates had been growing from year to year. He protested against granting any money to the Government until the Estimates were fully and fairly before the House. He begged to move the adjournment of the debate.

Motion negatived.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) That a Sum, not exceeding £64,047 18s. 11d., be granted to Her Majesty, to make good Excesses of Expenditure beyond the Grants for the following Civil Services for the year ended on the 31st day of March 1871, viz.:—

| | Class I. | £ | s. | d. |
|--|-------------|--------|----|----|
| Westminster Palace: Acquisition of Land | | 1,023 | 19 | 0 |
| Surveys of the United Kingdom | | 2,121 | 6 | 0 |
| Portland Harbour | | 398 | 16 | 7 |
| Lighthouses Abroad | | 10,465 | 8 | 4 |

| | Class II. | £ | s. | d. |
|---|-------------|--------|----|----|
| Civil Service Commission | | 278 | 6 | 4 |
| Paymaster General's Office | | 49 | 13 | 2 |
| Stationery Office and Printing | | 13,589 | 10 | 2 |
| Exchequer and other Offices, Scotland | | 577 | 6 | 1 |
| Lord Lieutenant's Household, Ireland | | 1 | 18 | 8 |
| Charitable Donations and Bequests Office, Ireland | | 4 | 4 | 0 |

| | Class III. | £ | s. | d. |
|---|------------|-------|----|----|
| Court of Chancery, England | | 4,304 | 1 | 3 |
| County Courts | | 8,239 | 8 | 0 |
| Convict Establishments in England and the Colonies | | 7,517 | 14 | 11 |
| Common Law Courts, Ireland | | 2,051 | 3 | 7 |

| | Class IV. | £ | s. | d. |
|-----------------------------|-----------|--------|----|----|
| National Portrait Gallery | | 194 | 17 | 2 |
| Public Education, Ireland | | 12,395 | 16 | 6 |
| Queen's University, Ireland | | 198 | 16 | 11 |

| Class VII. | £ s. d. |
|--|---------------|
| Local Dues on Shipping under Treaties of Reciprocity ... | 4 3 6 |
| Malta and Alexandria Telegraph, and Subsidies to Telegraph Companies | 631 11 8 |
| | <hr/> |
| | £64,047 15 11 |

MR. HUNT said, he hoped that some Member of the Government would take notice of the observation that had fallen from his hon. Friend (Mr. Sclater-Booth). He thought those observations were worthy of the attention of the House, and he presumed from the silence of the Government that they had no excuse to offer for the practice challenged.

THE CHANCELLOR OF THE EXCHEQUER said, the remarks of the hon. Gentleman suggested their own answer. The Supplementary Estimates were for charges incurred during the course of the year subsequent to the date of the Financial Statement, and he was much afraid that, unless a Government came into power possessing the faculty of foreseeing what might happen in the course of a coming year, Supplementary Estimates would continue to be a necessity.

MR. HUNT said, that he should challenge the items in detail. He could not forget the repeated and severe observations made by the right hon. Gentleman at the head of the Government when the Government to which he (Mr. Hunt) had had the honour to belong had proposed Supplementary Estimates.

MR. BOWRING asked for an explanation of the Excess Vote for stationery, amounting to £13,590, in addition to which a Supplementary Vote for £33,000 was also about to be asked for. Last year the Estimate amounted to £370,581, being £5,125 less than in the previous year, and he then complimented Her Majesty's Government and the head of the Stationery Office on this saving. But the present large additions to that Estimate converted the saving into a large increase, and he was afraid that he must therefore withdraw his compliment.

MR. BAXTER said it would appear that the hon. Member's compliment last year was premature. The cost of stationery and printing had greatly exceeded the expectations of the Department, and until the House came to some decision with reference to the Returns ordered to be printed there was very little chance of the Vote being reduced.

MR. SCLATER-BOOTH said, the Government as well as the House was responsible for the increase in the Vote. It appeared that the Government had the largest share of the Vote.

MR. DENT said, the increase of the Vote was attributed to the extraordinary facilities given for Returns. Every Member who wished to get certain information for his constituents moved for Returns, which were interesting to them only, and they were granted. Greater firmness was required on the part of the Government to resist them.

MR. ALDERMAN LUSK said, he did not think it was fair to ascribe the increase solely to the cost of printing Parliamentary Returns. Two years ago it was affirmed by a Government Return that the expenditure under this head for the year only was £4,000 to £5,000. He was opposed to the practice of presenting Supplementary Estimates. When brought forward they should be fully explained, and reasons given for their necessity.

MR. LIDDELL said, the stationery and printing Votes were difficult to estimate. No one could form an estimate of the expense, for instance, of the printing and stationery that would be required in connection with the Alabama Claims. It would be necessary for the Government to exercise greater vigilance, and check the Returns moved for. He did not think it would be fair to challenge the opinion of the House upon a Supplementary Estimate for increased expenditure, which had been incurred and must be paid. If a Vote of the Committee was to be taken, it should be on the complete Estimate for the year.

MR. MUNTZ said, a very considerable sum was wasted in the Blue Books that were delivered to Members. He had received Blue Books in the last year that would occupy any man's reading for 10 years. He was perfectly certain that not one Member in ten read them. He knew many hon. Members who never read them, but sold them for waste paper. He thought a saving might be effected if hon. Members had to apply for them, instead of their being delivered to them at their residences.

MR. GOLDSMID said, the increase of the Vote was to be attributed to the increased amount of business transacted by Parliament. More letters were written in the Lobby than formerly.

The prospect was that the Vote would increase rather than decrease.

MR. PIM said, he was glad the attention of the House had been called to the Vote. Two years ago he made a similar suggestion as to the delivery of Blue Books to that made by the hon. Member for Birmingham (Mr. Muntz).

Vote agreed to.

(2.) That a sum, not exceeding £44,427 7s. 4d., be granted to Her Majesty, to make good Excesses of Expenditure beyond the Grants for the following Revenue Departments for the year ending on the 31st day of March 1871, viz. :—

| | £ | s. | d. |
|--------------------|---------|-------|--------|
| Post Office | ... | ... | 9,950 |
| Telegraph Services | ... | ... | 34,477 |
| | <hr/> | <hr/> | <hr/> |
| | £44,427 | 7 | 4 |

3.) £8,000. Supplementary sum. National Gallery.

MR. HUNT asked why this expenditure had not been foreseen?

MR. AYRTON said, the time of the payment did not depend upon the action of the Government, but of the persons who had property to sell, which property the Government found it necessary to acquire. Some cases required long investigation, and others had to go to arbitration. In some instances the question of title had arisen. Under these circumstances, it was impossible for the Government to be able to form anything like an accurate estimate of the money that would be required.

MR. HUNT said, that in the original Estimate for the enlargement of the National Gallery in 1870-71 two sums were mentioned—one of £24,000 for the enlargement of works, and £20,000 for the purchase of sites. The Government ought to have known some money would have been required this year for the purchase of sites, and they might not have taken credit for £20,000 not expended last year, and then have come this year for Supplementary Estimates. If there was an intention of acquiring land for the National Gallery, why was not the money taken in the original Estimate? It might be very pleasant for the Chancellor of the Exchequer to come down to the House on Budget night and take credit for reducing expenditure; but if that was to be done by striking out an item for a site which was known to be required, such a pro-

cess of conducting the business of the country was illusory.

MR. AYRTON said, the original estimated expenditure for this service was £142,000, and included the amount which now had to be voted. The claimants having completed their claim were entitled to be paid; but the voting of this money would not affect the Estimate of the cost of the whole service.

MR. HUNT said, he wished to point out that, although there was more land to be acquired, no sum for its acquisition was inserted in the original Estimates. No doubt the reason of this was a desire on the part of the right hon. Gentleman to present a pleasing balance-sheet.

MR. AYRTON observed that so far from there being any disposition not to take Votes, £237,000 had been voted and re-voted. This sum might have been taken before had it not been for a desire to be precise.

Vote agreed to.

4.) £10,000. National Thanksgiving in St. Paul's Cathedral.

MR. BOWRING inquired whether this was the final Estimate, or whether further sums would be asked for next year?

MR. AYRTON replied that until the accounts were settled with the persons employed on the work it was impossible to say within a few pounds what was the exact sum which would be required; but so far as he knew at present, he believed this sum would cover the amount.

Vote agreed to.

5.) £2,000. Supplementary sum. British Embassy Houses, Constantinople, &c.

MR. MUNK inquired whether the Government was keeping faith with the House in asking for this Vote before the end of the year, as the new buildings had been delivered to the House?

MR. AYRTON was of opinion that no good would result from the House examining the plans. It was simply proposed to restore the Embassy House to the state in which it was previous to the fire.

MR. MUNK said, the Government proposed last year that no large Vote should be asked for rebuilding the Embassy House until the opinion of

Mr. J. Gillow, F.

Parliament had been taken as to the desirability of re-building the Embassy at all. The observations of the right hon. Gentleman were not to the point, and he should oppose the Vote.

MR. ALDERMAN LUSK said, he thought the right hon. Gentleman's statement was by no means a satisfactory one. What were hon. Members there for but to examine into questions of this kind?

VISCOUNT ROYSTON said, he thought small matters of this character, within the administrative power of the Government, ought not to be interfered with. On items so small as to almost raise a smile, hon. Members on the Liberal side of the House made objections which led the House to interfere in the most ridiculous manner with necessary and important improvements, and to prevent Ambassadors from properly sustaining their position. It would be well if hon. Gentlemen would have regard to common sense, and enable the Government to carry out its arrangements.

MR. WHITWELL said, he hoped some explanation of the Vote would be given.

MR. AYRTON said, the plans had been carefully considered by an officer sent out from the Office of Works, who after full investigation came to the conclusion that it would be more economical to restore what remained of the building than to attempt to re-build it.

Vote agreed to.

(6.) £3,000, Supplementary sum, Mint.
(7.) £2,050, Supplementary sum, Paymaster General, London and Dublin.

(8.) £33,000, Supplementary sum, Stationery, &c.

MR. HUNT said, the original Estimate for the Stationery Department, as was the case with other Estimates, was cut down last year by the Government in order that the Chancellor of the Exchequer might make a good appearance on Budget night, and now the Government came forward to ask that the deficiency thus created might be made good. He protested against illusory Estimates being brought before the House.

THE CHANCELLOR OF THE EXCHEQUER repudiated such an insinuation, especially after the head of the Department had confessed that the head and front of his offending was supposing that the sum had been over-estimated. It should be remembered that he himself

had been called upon to provide for an unexpected increase in the Army Estimates, and the right hon. Gentleman opposite must know that in using the word "illusory" he was going very near what was not Parliamentary language, and which imputed motives having not the slightest foundation.

MR. HUNT said, he would withdraw any un-Parliamentary or uncourteous language he might have used. But what he meant by "illusory" Estimates were Estimates which did not rest on proper data. In that sense he hoped the word was not offensive. It was not right that after Estimates were voted at the beginning of the financial year the House should be asked to supplement them at the end of the year.

MR. GLADSTONE said, he did not think that where there were 200 Miscellaneous Estimates, and a deficiency was afterwards apparent in one or two, they should be stigmatized as "illusory." The fair test was the Estimate generally, and not individual items, where discrepancies might creep in quite innocently.

MR. HUNT disputed the doctrine of general Estimates, because the House voted money for specific purposes.

Vote agreed to.

(9.) £14,000, Supplementary sum, Court of Chancery, England.

(10.) £10,000, Supplementary sum, Police.

(11.) £20,000, Supplementary sum, British Museum.

(12.) £18,000, Supplementary sum, Embassies and Missions Abroad.

(13.) £27,000, Supplementary sum, Superannuation and Retired Allowances.

(14.) Motion made, and Question proposed,

"That a Supplementary sum, not exceeding £4,810, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for certain Miscellaneous Expenses."

MR. LEA asked for an explanation of some of the items having reference to the expenses incurred in the investment with decorations of several distinguished personages.

MR. BAXTER said, that he was not in a position to give the explanation at the moment, but that he would be able to do so on the Report.

2011

Tramways

{COMMONS}

(*Metropolis*).

2012

Motion made, and Question proposed,
"That the Chairman do report Progress,
and ask leave to sit again."—(Mr. Lea.)

MR. VERNON HARCOURT said, that hon. Members were constantly told they must not discuss the Estimates as a whole but in detail, and now that that was done they were asked to agree to a Vote without any explanation of the items of which it consisted.

MR. GLADSTONE stated that the explanation would be given when the Report was brought up, and that if it were not deemed satisfactory objection to the Vote might then be taken.

MR. LIDDELL said, he thought the Committee would merely be acting on the principle which had been laid down by the Prime Minister himself as to the jealousy which the House ought to exercise with regard to these Supplementary Estimates if they insisted in reporting Progress under the circumstances.

MR. GLADSTONE suggested that if the Votes were not taken that evening, there would be some difficulty in passing the necessary Ways and Means Bill before the close of the financial year.

MR. HUNT said, if that were so, he hoped the Vote would be agreed to.

MR. COLLINS said, he thought, after the understanding which had been come to last year, that no opposed business should be taken after half-past 12, the Committee ought not to be asked to proceed with the discussion of the Estimates at so late an hour.

MR. LEA said, he would withdraw his Motion to report Progress, on the understanding that the Report was brought up sufficiently early to allow of explanation and discussion.

Motion, by leave, withdrawn.

Original Question put, and agreed to.

(15.) £23,304, Supplementary sum, Miscellaneous Advances to Civil Contingencies Fund.

(16.) £2,360, Mediterranean Extension Telegraph (Guarantee).

(17.) £3,100, Supplementary sum, Crown, &c. Abuna of Abyssinia, &c.

(18.) £20,000, Supplementary sum, Customs Department.

Resolutions to be reported *To-morrow* ; Committee to sit again *To-morrow*.

SUPPLY—REPORT.

Resolutions [March 11] reported.

SIR WILFRID LAWSON asked for further explanation of the fact that the Minister for War had asked for a larger Vote of men and money than had ever before been asked in time of peace. It was the inauguration of a new policy, which in other countries had led to ruinous consequences, and ought not therefore to be adopted in England.

MR. CARDWELL said, he could not admit that he had attempted to inaugurate a new policy. He had maintained the invariable policy of England, which was that she should defend herself by her own strength and spirit, and not be indebted for security to the forbearance or the indifference of other nations.

MR. R. N. FOWLER said, he entirely agreed with the hon. Member for Carlisle, and hoped the country would not enter into this scheme of boundless expenditure.

Resolutions agreed to.

MUTINY BILL.

On Motion of Mr. Dodson, Bill for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters, ordered to be brought in by Mr. Dodson, Mr. Secretary CARDWELL, and Mr. CAMPBELL.

Bill presented, and read the first time.

TRAMWAYS (METROPOLIS).

Message from The Lords [11th March], considered.

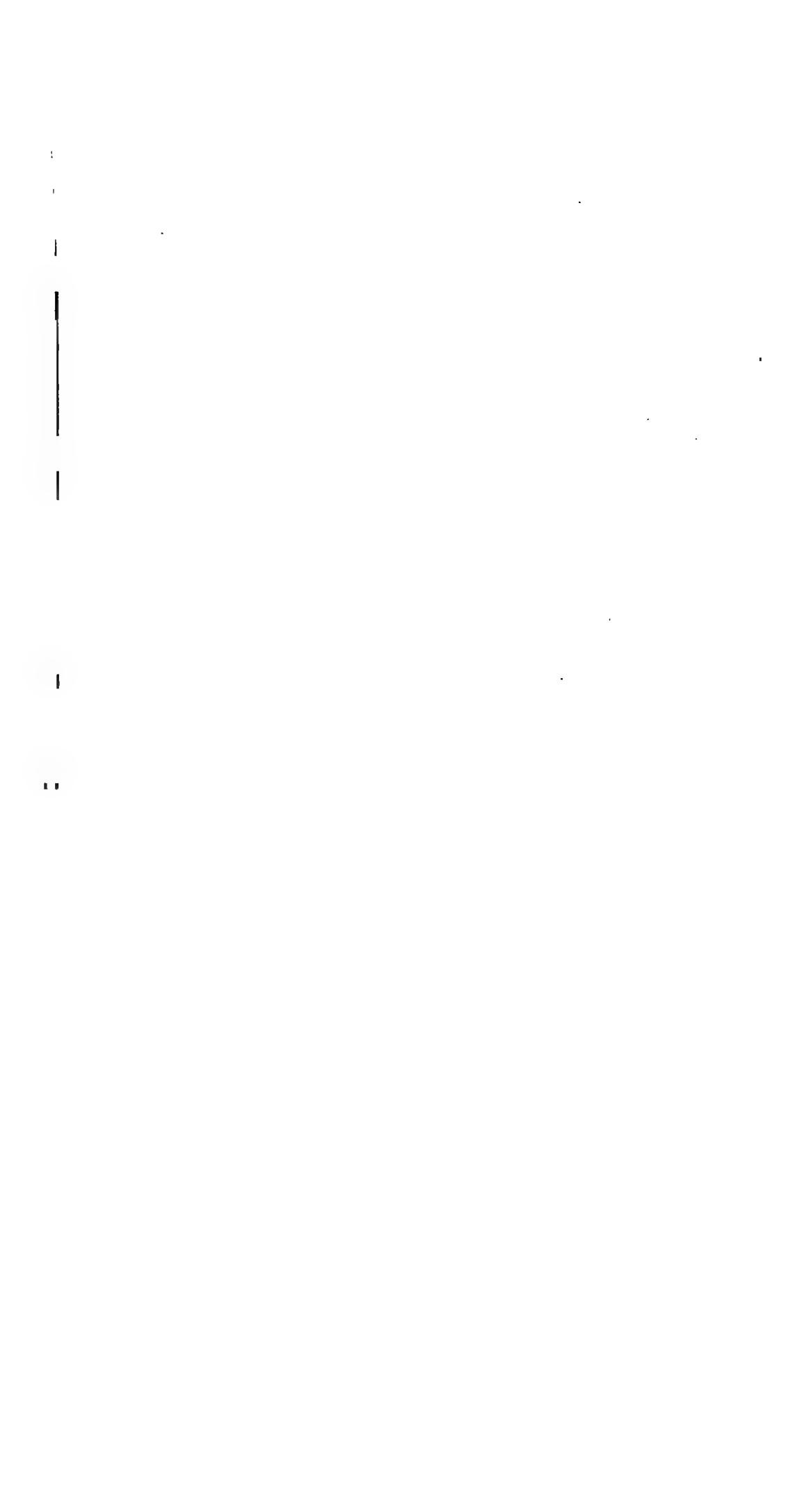
Ordered, That the Select Committee appointed by this House to join with a Committee of The Lords on the subject of Metropolitan Tramways do meet The Lords Committee upon Monday next, at Three of the clock.

Message to The Lords to acquaint them therewith; and the Clerk to carry the same.

Ordered, That the Select Committee have power to agree in the appointment of a Chairman of the Joint Committee.

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When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

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Ireland—Dungannon Bench of Magistrates
Motion for Papers (*Lord Claud Hamilton*) Feb 13, 307; after short debate, Motion withdrawn

Ireland—Landed Proprietors

Moved, "That there be laid before this House, a Return of the number of Landed Proprietors in each county, classed according to residence, showing the extent and value of the property held by each class" [Then a schedule is set forth] (*Mr. Patrick Smyth*) Mar 7, 1816; after short debate, Amendt., after the first word "Return," to insert "for the year 1870" (*The Marquess of Hartington*): after further short debate, Amendt. made; main Question, as amended, agreed to

Ireland—Law of Rating

Select Committee appointed "to inquire into the operation of the Law relating to the area of Rating in Ireland, and to consider

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whether such Law may be beneficially amended" (*The Marquess of Hartington*) Feb 19, 702; List of the Committee

Ireland—Railways of Ireland

Moved that there be laid before this House, Copies of the instructions under which Captain Tyler was authorised to collect information respecting the financial condition and prospects of the Railways of Ireland, and of the reports or other communication to the Government from that officer thereupon (*The Marquess of Clanricarde*) Mar 4, 1296; after short debate, Motion withdrawn Question, Mr. Stacpoole; Answer, Mr. Chichester Fortescue Feb 26, 1027

Ireland—The Land Act

Moved, That there be laid before the House, Returns of the Land Cases decided in the counties of Antrim and Donegal, stating the amount of rent in each case and the sum awarded as compensation by the Chairman of Quarter Sessions (*The Viscount Lifford*) Feb 12, 194; after short debate, Motion amended, and agreed to

Ordered, That there be laid before this House, Returns of the Land Cases decided in the counties of Antrim and Donegal, stating the amount of rent in each case and the sum awarded as compensation by the Chairman of Quarter Sessions; also, Returns of the cases in which Appeals have been carried up to Judge of Assize, and the cases which the Judge of Assize has remitted to the Court of Land Cases Reserved

Irish Church Act Amendment Bill [S.L.]

(*The Earl of Dufferin*)

- 1. Presented; read 1^o Feb 26 (No. 27)
- Bill read 2^o, after short debate Mar 5, 1884
- Committee^o; Report Mar 7
- Bill read 3^o Mar 8, 1884; after short debate, Bill passed
- Read 1^o (Mr. Attorney General for Ireland) Mar 14 [Bill 87]

Ile of Man Harbours Bill

(*Mr. Baxter, Mr. William Henry Gladstone*)

- c. Ordered; read 1^o Mar 8 [Bill 88]

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Alleged Massacre of Christians, Question, Mr. A. Egerton; Answer, Viscount Enfield Mar 8, 1840

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Lords—

Moved, "That there be laid before the House, Copies of any correspondence which has passed between the Lord Chief Justice of the Queen's Bench or the Lord Chief Justice of the Common Pleas on the one hand and the First Lord of the Treasury or the Lord Chancellor on the other relative to the appointment of Sir Robert Collier as a paid member of the Judicial Committee of the Privy Council; also, copy of Letter of the Right Honourable Mr. Justice Willes to the Lord Chancellor, dated 5th February 1872: Also, "Return showing the dates of the appointment of Sir Robert Collier as a Judge of the Court of Common Pleas and as a member of the Judicial Committee" (*The Earl Stanhope*) Feb 8, 138; Motion agreed to

(*Parl. Paper, No. 9*)

Moved to resolve, "That this House has seen with regret the course taken by Her Majesty's Government in carrying out the provisions of the Act of last Session relative to the Judicial Committee of the Privy Council, and is of opinion that the elevation of Sir Robert Collier to the Bench of the Court of Common Pleas for the purpose only of giving him a colourable qualification to be a paid member of the Judicial Committee, and his immediate transfer to the Judicial Committee accordingly, were acts at variance with the spirit and intention of the statute, and of evil example in the exercise of judicial patronage" (*The Earl Stanhope*) Feb 15, 376

Amendt. to leave out from ("That") and insert, "This House finds no just cause for passing Parliamentary censure on the conduct of the Government in the recent ap-

Judicial Committee of the Privy Council—Appointment of Sir Robert Collier—cont.

pointment of Sir Robert Porrett Collier to a Judgeship of the Common Pleas and to the Judicial Committee of the Privy Council" (*The Lord Portman*): Question proposed, "That the words, &c.;" after long debate, on Question? Cont. 87, Not-Cont. 88; M. 1; resolved in the negative; Resolution, as amended, agreed to

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Amendt. to leave out after "House" and add "finds no just cause for a Parliamentary censure on the conduct of the Government in the recent appointments of Sir Robert Porrett Collier to a Judgeship of the Common Pleas, and to the Judicial Committee of the Privy Council" v. (*Sir Roundell Palmer*), 877; Question proposed, "That the words, &c.;" after long debate, Question put; A. 241, N. 268; M. 27; words added; main Question, as amended, put, and agreed to

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Question, Mr. Lopes; Answer, The Attorney General Feb 23, 953

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(*Sir David Salomons, Mr. John Gilbert Talbot, Mr. Magniac, Viscount Holmeade, Sir Henry Selwin-Ibbetson*)

c. Ordered; read 1^o Feb 13 [Bill 39]
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Justices Clerks (Salaries) Bill—cont.

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c. Ordered; read 1^o Feb 7 [Bill 14]

Moved, "That the Bill be now read 2^o" Feb 21, 837

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c. Ordered; read 1^o* Feb 19 [Bill 55]

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Amendment Bill (*Mr. Sherlock, Mr. William Johnston, Mr. McClure*)

c. Ordered; read 1^o* Mar 6 [Bill 79]

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(*Mr. Rathbone, Mr. Birley, Mr. Dixon, Mr. Morley, Mr. Graves*)

c. Ordered; read 1^o* Feb 21 [Bill 84]
Moved, "That the Bill be now read 2^o"

Mar 6, 1509

Amendt. to leave out "now," and add "upon this day six months" (*Mr. Rylands*); after debate, Question put, "That 'now,' &c., A. 99, N. 27; M. 72; main Question put, and agreed to; Bill read 2^o

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Feb 13—John Philip Nolan, esquire, Galway County

Feb 19—Wilbraham Frederick Tollemache, esquire, Chester County (Western Division)

Feb 29—Hon. George Edmund Milnes Monckton, Nottingham County (Northern Division)

*Mar 4—John Pender, esquire, Wick
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Mar 8—Rowland Ponsonby Blennerhassett, esquire (sometimes called Hassett of Kells), Kerry

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- ROLL OF THE LORDS—delivered, and ordered to lie on the Table Feb 6, 6; The Lord Chancellor acquainted the House that the Clerk of the Parliaments had prepared and laid it on the Table: The same was ordered to be printed (No. 10)
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- House of Commons Papers**, Moved, "That the Lists of Accounts and Papers printed by Order of the House of Commons, which are laid upon the Table with the Votes of that House, be printed and circulated with the Minutes of this House" (The Marquess of Salisbury) Feb 13, 287: after short debate, Motion agreed to
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Standing Orders—Grants of Public Money, Observations, Mr. Monk; Reply, Mr. Speaker Mar 14, 1930

The Speaker of this House—Mr. Speaker's Retirement

Observations, Mr. Speaker; short debate thereon Feb 7, 90

Moved, "That the Thanks of this House be given to Mr. Speaker for his distinguished services in the Chair during a period of nearly fifteen years; that he be assured that this House fully appreciates the zeal and ability with which he has discharged the duties of his high office, through many laborious Sessions, and the study, care, and firmness with which he has maintained its privileges and dignity; and that this House feels the strongest sense of his unremitting attention to the constantly increasing business of Parliament, and of his uniform urbanity, which have secured for him the respect and esteem of this House" (Mr. Gladstone) Feb 8, 148; after short debate, Resolved, *Nemine Contradicente*

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PARLIAMENT—COMMONS—cont.

Then Mr. Speaker having addressed the House —it was

Resolved, That the Thanks of this House be given to Mr. Speaker for what he has said this day to the House, and that the same be printed in the Votes of this day, and entered in the Journal of this House.

Resolved, *Nemine Contradicente*, That an humble Address be presented to Her Majesty, praying Her Majesty that She will be most graciously pleased to confer some signal mark of Her Royal Favour upon the Right Honourable John Evelyn Denison, Speaker of this House, for his great and eminent services performed to his country during the important period in which he has, with such distinguished ability and integrity, presided in the Chair of this House.

Ordered, That the said Address be presented to Her Majesty by such Members of this House as are of Her Majesty's Most Honourable Privy Council

Her Majesty's Answer to the Address Feb 12, 214

Choice of a Speaker—The Serjeant came, and brought the Mace, and laid it under the Table Feb 9

Then it was moved by Sir Roundell Palmer, "That the Right Honourable Henry Bouvier William Brand do take the Chair of this House as Speaker:"—And the Motion being seconded by the Hon. Peter Locke King, and the House unanimously calling Mr. Brand to the Chair, the Right Honourable Gentleman humbly placed himself at the will of the House; and he was by Sir Roundell Palmer and Mr. Locke King taken out of his place and conducted to the Chair. Then Mr. Speaker-Elect thanked the House for the high honour they had conferred upon him:—And the Mace was laid on the Table, and Mr. Speaker-Elect was congratulated by the Right Honourable William Ewart Gladstone; and the House then adjourned

Mr. Speaker acquaints the House that this House having been summoned to the House of Peers, the Lords authorized by Her Majesty's Commission have declared that Her Majesty has approved the choice which this House has made of him as their Speaker:—And Mr. Speaker again thanked the House Feb 12, 203

Parliament—Business of the House (Lords' Bills)

Moved, "That when a Bill brought from the House of Lords shall have remained upon the Table of this House for twelve sitting days without any honourable Member giving notice of the Second Reading thereof, such Bill shall not be further proceeded with in the same Session" (Mr. Monk) Feb 13, 305; after short debate, Motion withdrawn

Parliament—Despatch of Public Business

Moved, "That a Select Committee be appointed to consider the best means of promoting the Despatch of Public Business in this House" (Mr. Gladstone) Feb 8, 153

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Parliament—Despatch of Public Business—cont.

After short debate, Amendt. proposed, at the end of the Question, to add "and to consider what provisions may be made with regard to passing Local and Personal Bills through Parliament as may lessen the cost of such proceedings, and may economise the time and labour required from Members of this House" *v. (Mr. W. M. Torrens)*; Question proposed, "That those words, &c.;" after further debate, Amendt. and Motion withdrawn

Parliament—Despatch of Public Business—Resolutions

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First Resolution

Moved, "That Strangers shall not be directed to withdraw during any Debate, except upon a Question put and agreed to, without Amendment or Debate" (*Mr. Chancellor of the Exchequer*) Feb 26, 1039

Amendt. to leave out from "That," and add "the Resolutions differ in their terms from the Report of the Committee of last year on the Business of the House, and are, therefore, new to the House, and that further time ought to be given for their consideration" *v. (Mr. Bentinck)*; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

Amendt. to leave out from "That," and add "when notice shall be taken that Strangers are in the House, Mr. Speaker shall collect the pleasure of the House whether they shall be ordered to withdraw, and if it appear to him that such be the pleasure of the House, he shall give order accordingly forthwith; but, if otherwise, he shall then put a Question to the House whether Strangers do withdraw, and shall, without Debate, call on the Ayes to stand up in their places, and if more than twenty Members do stand up accordingly, Strangers shall be forthwith ordered to withdraw" *v. (Mr. Bouvierie)*, 1055; Question proposed, "That the words, &c.;" after debate, Amendt. and Motion withdrawn

Second Resolution

Moved, "That whenever notice has been given that Estimates will be moved in Committee of Supply, and the Committee stands as the first Order of the Day upon any day except Thursday and Friday, on which Government Orders have precedence, the Speaker shall, when the Order for the Committee has been read, forthwith leave the Chair without putting any Question, and the House shall thereupon resolve itself into such Committee, unless on first going into Committee on the Army, Navy, or Civil Service Estimates respectively, an Amendment be moved relating to the division of Estimates proposed to be considered on that day" (*Mr. Chancellor of the Exchequer*), 1068

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Amendt. to leave out from "That," and add "a Select Committee be appointed to consider the best means of facilitating the despatch of Public Business in this House, and that the Reports of previous Committees on this subject be referred to it" *v. (Sir Henry Selwin-Ibbetson)*, 1061; Question proposed, "That the words, &c.;" after long debate, Amendt. withdrawn

Amendt. to leave out from "That," and add "a Select Committee be appointed to consider the Public Business of this House, and that the Reports and Evidence of the last three Committees on this subject be referred to it" *v. (Sir Henry Selwin-Ibbetson)*, 1098; Question put, "That the words, &c.;" A. 152, N. 120; M. 32; main Question put; A. 133, N. 92; M. 40; debate adjourned Question, Mr. Hunt; Answer, Mr. Gladstone Mar 1, 1219; Question, Mr. Gilpin; Answer, Mr. Gladstone Mar 7, 1530

Parliament—House of Commons (Witnesses)—New Standing Orders

Act 34 and 35 Vic. c. 83, read Feb 20:
1. Resolved, That any oath or affirmation taken or made by any Witness before the House, or a Committee of the whole House, be administered by the Clerk at the Table.
2. Resolved, That any oath or affirmation taken or made by any Witness before a Select Committee may be administered by the Chairman, or by the Clerk attending such Committee (*Mr. Dodson*); Ordered, That the said Orders be Standing Orders of this House

Parliamentary and Municipal Elections Bill

(*Mr. William Edward Forster, Mr. Secretary Bruce, The Marquess of Hartington*)

c. Motion for Leave (*Mr. W. E. Forster*) Feb 8, 172; after short debate, Bill ordered; read 1st [Bill 21]

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Moved, "That the Bill be now read 2nd" Feb 15, 470

Amendt. to leave out "now," and add "upon this day six months" (*Mr. Liddell*); after long debate, Question put, "That 'now,' &c.;" A. 109, N. 51; M. 58; main Question put, and agreed to; Bill read 2nd Question, Mr. Charley; Answer, Mr. W. E. Forster Feb 20, 771

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Moved, "That the Parliamentary and Municipal Elections Bill and the Corrupt Practices Bill be committed to the same Committee" (*Sir Michael Hicks-Beach*); after long debate, Question put, and agreed to

Moved, "That it be an Instruction to the Committee, that they have power to provide that Votes in Divisions in the House of Commons be taken by Ballot" (*Mr. Cavendish Bentinck*), 1200; after short debate, Question put, and negatived

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 (Sir Wilfrid Lawson, Lord Claud Hamilton, Sir Thomas Barley, Mr. Downing, Sir John Hanmer, Mr. Miller, Mr. Dalway)
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(*Mr. Spencer Walpole, Mr. Russell Gurney, Mr. Eykyn, Mr. Rathbone*)

c. Ordered; read 1° * Feb 8 [Bill 28]

Bill read 2°, after short debate Feb 16, 587

Public Worship Facilities Bill (*Mr. Salt, Mr. Norwood, Mr. Dimsdale, Mr. Akroyd*)

c. Considered in Committee; Bill ordered; read 1° * Feb 7 [Bill 18]

Moved, "That the Bill be now read 2°"

Mar 13, 1904

Amendt. to leave out "now," and add "upon this day six months" (*Mr. Beresford Hope*); after debate, Question put, "That 'now,' &c.;" A. 122, N. 93; M. 29; main Question put, and agreed to; Bill read 2°

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Moved, That a Select Committee be appointed, "to join with a Committee of the Lords to inquire into the subject of the Amalgamation of Railway Companies, with special reference to the Bills for that purpose now before Parliament, and to consider whether any and what Regulations should be imposed by Parliament in the event of such Amalgamations being sanctioned" (Mr. Chichester Fortescue); after short debate, Motion agreed to; List of the Committee Feb 22, 945

Message to The Lords to acquaint them therewith Feb 23, 1017

Message from The Lords Feb 26

Ordered, That the said Select Committee have power to agree in the appointment of a Chairman of such joint Committee

Message from the Commons Feb 23, 945

Message considered, and a Resolution agreed to Feb 26, 1017; Message to the Commons

Railways

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c. Ordered; read 1^o Feb 16 [Bill 50]

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c. Ordered; read 1^o Feb 8 [Bill 25]

Bill read 2^o, after short debate Feb 10, 586

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Considered * Mar 5 [Bill 75]

Read 3^o Mar 8

i. Read 1^o (The Duke of Richmond) Mar 11

(No. 45)

Registration of Borough Voters Bill

(Mr. Vernon Harcourt, Mr. Whitbread, Sir Charles Dilke, Mr. Collins, Mr. Henry Robert Brand, Mr. Rathbone)

c. Ordered; read 1^o Feb 7 [Bill 15]

Moved, "That the Bill be now read 2^o" Feb 14, 374

Amendt. to leave out "now," and add "upon this day six months" (Mr. Wharton); Question proposed, "That 'now,' &c.;" after short debate, Amendt. withdrawn; main Question put, and agreed to; Bill read 2^o

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(Sir Colman O'Loghlen, Mr. Cogan, Sir John Gray, Mr. O'Reilly, Mr. Matthews)

c. Considered in Committee; Bill ordered; read 1^o Feb 13 [Bill 34]

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